

CENTRE FOR CRIME
AND JUSTICE STUDIES

Probation Resources, Staffing and Workloads 2001-2008



The Trade Union and
Professional Association
for Family Court and
Probation Staff

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Summary

According to government plans, probation spending is set to fall by 3 per cent over each of the next three years, a prospect that has been apparently modified in part by the recent announcement of an additional £40 million for the implementation of community orders. The current financial climate is already chilly and many probation areas in England and Wales have been facing severe financial difficulties. Despite increases in spending on probation, recent years have seen reductions in the service's budget and many areas have been struggling to cope with balancing a growing caseload involving more complex working practices with a decline in resources. Many areas have drawn up plans to reduce staff numbers, involving redundancies, doing away with posts and freezing recruitment. Despite this, probation has performed very well on the majority of its performance targets.

In this report, we examine budgetary change, staffing and workload numbers and consider the implications of changes in probation organisation, notably the creation of the National Probation Service (NPS) and the subsequent transition to the National Offender Management Service (NOMS). We consider the implications of ongoing change in working practice and organisational structures.

Chapter 1 addresses the issue of budgets, staffing levels and workloads. Probation budgets increased after the creation of the NPS but more recently have declined. Between the creation of the NPS and 2006-2007, the budget increased by 21 per cent in real terms.

With courts' use of community sentences reaching record levels, probation caseloads have increased by almost a quarter since the creation of the NPS. Numbers of reports have fallen slightly, while the most time-consuming pre-sentence reports (PSRs) have fallen by around 17 per cent.

The numbers of staff involved in delivering or supporting work with offenders has increased by 37 per cent over the period we study. However, this increase masks the fact that the number of professionally qualified probation officers has fallen by 4 per cent. The number of people training to be probation officers has also fallen, by 30 per cent. By contrast, there has been a 77 per cent rise in the number of probation services officers (PSOs), who are less qualified and less well paid than probation officers. Managerial staff have also increased over the same period, by 70 per cent.

The ratio of offenders to qualified probation officers has risen from 31:1 to 40:1 – an increase of 28 per cent. Probation officers in England and Wales supervise caseloads which are much larger (on average, between 25 to 70) than their counterparts in youth justice.

Chapter 2 considers the implications of the shift to a national service. A persistent characteristic of probation during this period has been the pace of change. The introduction of a lengthy assessment tool, various new forms of interventions and ways of working with offenders, and centrally set targets have all combined to form a turbulent environment into which yet more

elements of change have been introduced. Nonetheless, as we note, probation has delivered across a variety of performance measures.

More change was introduced into probation with the creation of NOMS, a move notable for its lack of consultation and the speed with which the government accepted the proposals underpinning it. The spiralling costs of NOMS, and IT development, attracted adverse publicity and criticism, and the structure of NOMS was subsequently modified. Probation boards are now required to meet the robust criteria necessary to become probation trusts by 2010 or face having their services opened up to competition. The first six trusts have come into being as of 1 April 2008.

Just as this report was being completed, the Minister for Justice announced a consultation exercise designed to facilitate the use of the 'Best Value' system employed in local authorities. Boards and trusts will be required to make continuous improvements in services and this will entail consideration of whether some services could best be delivered by others in the public, private or voluntary sectors.

Chapter 3 looks at the relationship between budget and workload. A major problem for local probation areas is that they agree with the centre the levels of service they will provide during the year. Demand for services, however, is driven by the courts and, as mentioned above, their use of community sentences has reached record levels. Because unit costs for services are not available, it is not possible to predict the number of staff actually needed to deliver services effectively to the probation service's growing caseload.

The impact on probation work has resulted in areas using various methods to try to manage the increased demand. Sometimes this will involve offenders waiting to commence programmes or requirements of their orders. Budgets are calculated using a formula designed to address the particular circumstances of a probation area. The formula fails to do this adequately. In a survey of board members by the Probation Boards' Association (PBA) in 2007, there was considerable criticism of the funding formula, which was frequently described as 'not fit for purpose'.

Budgetary planning has been made difficult. Over- and under-spending was penalised by the National Probation Directorate (NPD) in its approach to micro-managing spending. Underperforming areas were penalised, with the effect that they had fewer resources with which to improve their services. Areas have also complained of receiving their budgets far too late to be able to carry out medium- and long-term planning. The centralisation of various budget areas also has resulted in higher costs to probation areas.

More recently, probation areas have described the problems many of them are encountering in balancing their budgets. This has resulted in many areas planning to reduce or cut posts and to freeze or defer recruitment to vacancies. The announcement of some £40 million to fund community orders as an alternative to short-term prison places offers hope to a service afflicted by financial problems but, at around £1 million per area, even this sum may not be enough to prevent further problems.

Chapter 4 looks at issues of effectiveness and service delivery in a service in which change has been almost constant and where areas' financial resources do not meet their needs. It is interesting that the roll-out of two levels of the Offender Management Model (OMM) was funded with a sum totalling just over a third of that spent on consultants for NOMS.

Resource allocation seems to involve a 'sink or swim' approach. We also note that higher numbers of cases and workloads may place unreasonable pressures on staff, with the potential to jeopardise public safety – particularly in areas where there are disproportionate numbers of high-risk offenders.

We note also that the new Offender Assessment System (OAsys) involves a considerable amount of time to complete, obliging practitioners to spend more time on the administrative side of their job. The consistency of having the same offender manager for offenders is often not possible, with the National Audit Office remarking on the frequency with which offender managers change.

Although, as we mention above, probation has done well in meeting central targets, we also note criticism of some of these targets by the National Audit Office for not focusing on quality and outcomes.

In many areas, offenders are 'stacked' – waiting to begin programmes or elements of the requirements of their community orders. This means that the pressures upon services are starting to affect their ability to meet the aims of the courts when they pass community sentences.

Caseloads, it has been noted, have been 'silting up' with less serious offenders who, a few years previously, would have received a fine or discharge. In this respect, probation faces a problem similar to that of the expanding prison population.

Finally, we note that practitioners put in considerable amounts of time for which they are not paid. These hours are useful to the probation service but actually represent hard-working practitioners trying to cope with the increasing demands made upon them.

Our overall impression has been that a period of stability, reflection and objective analysis would be beneficial for the probation service. We are doubtful that this is likely to be the case.

Introduction

Why this report?

The announcement in October 2007¹ that the government planned to reduce expenditure on probation by 3 per cent for three successive years caused considerable anxiety and concern among many working in probation. It immediately fuelled questions about the extent to which the impact of such a change could be absorbed from the resources made available over several previous years. It was acknowledged that probation resources had increased – but by how much? Were those resources sufficient to sustain the current workload? And what might happen if resources fell significantly below the level necessary to fulfil the vital functions expected of probation?

An urgent review of current evidence was therefore commissioned in order to sift fact from supposition and to assess the risk to probation's capacity resulting from the planned reductions.

The review was commissioned by The Trade Union and Professional Association for Family Court and Probation Staff (NAPO) and undertaken by the Centre for Crime and Justice Studies (CCJS) in order to produce an independent and objective assessment of the available evidence.

The brief was to examine changes in probation service budgets, caseloads and workloads during the period 1997-2007. In 2001, the National Probation Service (NPS) was formed out of previously separate areas. Funds continued to be allocated to 42 areas, each managed by a probation board. However, because the funding formulas have been complex, the results of the allocation needed to be clarified. The work was based on NAPO's wish to examine the proportion of the total increased financial resources allocated over the last few years to fund actual work with offenders and to consider the potential impact of future reductions in the probation service budget.

The resulting report has drawn on a range of sources in order to present as accurate a picture as possible. In addition to examining official statistical reports, we have reviewed information and commentary from key management bodies such as the probation boards and other authoritative figures in the field, including Her Majesty's Chief Inspector of Prisons (HMCIP), the National Audit Office and the Treasury. Managers and staff in a local area were also interviewed about local management and daily routines. The collation of the resulting information builds up a multifaceted picture of the challenging financial environment and offers an analysis of the influences that have led to its emergence.

The limitations to the report are a consequence of the ways in which the need for financial information has been managed. One factor is the growing need to collate information at the centre, so we know rather less about the relationship between resources and spending in the period before the formation of the NPS than since. Although some of the recent initiatives in probation have been costed, we do not know enough about the costs of routine activities.² As

¹ H.M. Treasury (2007), Comprehensive Spending Review 2007.

² National Audit Office (2008), The Supervision of Community Orders in England and Wales.

we explain in the report, the fact that routine activities like supervision of offenders have not been accurately costed means that there are difficulties for management in working out what level of resources is required in order to meet likely demands. Crucially, that information is not readily available centrally when major decisions about the size of the national probation budget are being made. Hence, such decisions are not being guided by adequate information.

This has also been a time of unprecedented growth in the prison population. It recently reached an all-time record, with the number of adult prisoners – currently around 82,105³ – necessitating the transfer of prisoners to open establishments and the further use of police cells. There has also been a sharp rise in the number of community sentences. Since 2002 the number of people serving court orders in the community has increased by 30,407, a rise of 26 per cent. The numbers commencing such orders rose from 140,430 offenders in 2005 to 155,614 in 2006, an increase of 11 per cent. The question arises as to how this total combined population – in prison or on probation – will be reduced and managed.

In March 2008, the Ministry of Justice announced that it was to provide an extra budget of £40 million for the purpose of enabling sentencers to use community sentences for those who would otherwise receive a short period of custody.⁴ The extra money implies that each area might receive around £1 million. The extended use of probation as an ‘alternative to custody’ is clearly a possibility, but it is less likely to work as a solution to the prisons crisis if the service – at a time when it has never been needed more – is facing uncertainty over its future. Probation areas are currently shedding jobs and reducing services and, unless planned budgetary reductions are adequately compensated through the injection of new money directed to frontline services, probation will increasingly struggle to cope. Already the probation caseload has reached almost a quarter of a million, while the number of qualified practitioners has actually fallen.

Today probation is viewed as an integral part of public services. With its origins in philanthropic work, probation has been seen as a specialised service ‘for’ offenders, yet it is tasked increasingly with other major public responsibilities – supervising offenders as directed by the courts, managing risks to the public, reducing re-offending, and liaising with victims. Nor is probation an island in the criminal justice system: its capacity affects the service’s working partners in other sections of the criminal justice system such as the courts, the prisons and the police. The scale of its resources is of wide public significance. The future of probation funding is therefore not simply something for probation alone to care about: it matters to us all.

The impact of unprecedented change: from a local to a national service

The probation service in England and Wales was created by the 1907 Probation of Offenders Act, which embedded the activities of agents of

³ National Offender Management Service (NOMS), ‘Prison population and accommodation’, Briefing, 18 April 2008.

⁴ Ministry of Justice, ‘Probation service receives £40m to cut re-offending’, news release, 11 March 2008.

various charities and associations within the criminal justice system. Despite the development and expansion of the service during the 20th century, the operation of probation services within their own local areas (usually coterminous with local government boundaries) was, to a large extent, free from direct central control. Rooted in philanthropic social work, probation occupied a position 'in' the criminal justice system but at the same time not quite 'of' it.

During the last decade of the 20th century, the probation service attracted increasing governmental interest and underwent significant changes. While the localised nature of service delivery was antithetical to the growth of a managerial culture in public services, the growth of evidence-based knowledge about working with offenders – the so-called 'what works' approach – informed a new confidence about the ability of probation interventions to reduce offending. Following the election of a Labour government in 1997, increasing attention turned toward the transformation of the probation service into a national body with standardised procedures and a more direct line of accountability to the centre.

This transformation of probation into a national service was set out in the Court Services Act 2000. The service was to undergo large-scale change, initially based on the vision the first director of probation, Eithne Wallis, set out in her paper, 'A new choreography'. From now on, probation was to be 'hawk-eyed and vigilant', delivering a plethora of services to offenders and victims, with the 're-engineering' and development of the service to be conducted at high speed. As Wallis put it: 'The volume and pace of change has been, and will continue to be, relentless.'⁵ This was certainly true. Wallis stepped down as director of the NPS in 2004, as the service prepared for yet another round of change, this time involving its incorporation into the proposed National Offender Management Service (NOMS).⁶

NOMS would, according to the report that led to its creation, encompass the prison and probation services, operating on regional levels through 'contestability' – the commissioning of services from various parties such as the private and voluntary sectors. In effect, probation would be bidding for elements of the work it had been long been delivering as part of its statutory role.

With considerable work already undertaken on the creation of NOMS, the government announced in 2007 that the original model of NOMS was to be modified. Subsequently, the Secretary of State for Justice, Jack Straw, announced a new structure for the department, which would come into place on 1 April, with the director general of prisons becoming the chief executive of NOMS.⁷

The short history of the NPS has been one of unprecedented change in the structure and activities of probation in England and Wales. It has faced

⁵ Wallis, E. (2002), National Probation Service, Performance Report 1, London: NPS.

⁶ Carter, P. (2003), Managing Offenders, Reducing Crime, A New Approach London: Home Office

⁷ Straw, J. (2008), Written ministerial statement on the reorganisation of the Ministry of Justice, <http://www.justice.gov.uk/news/announcement290108a.htm>.

multiple and complex demands in order to adapt to the needs of the criminal justice system and the requirements of government.

As we hope to show, the government's announcement that probation budgets would be 'flatlined', in addition to making required public sector efficiency savings, signalled an effective reduction in budgets for all areas. At the time of writing, probation areas have been undertaking reviews of how to deal with this fiscal crisis. In many cases, redundancies and cutbacks in services are being forecast, with many probation areas already reducing their staff levels through the freezing of recruitment.

Officially, the rationale underlying this reduction in funds for a vital public service is based on the argument that probation budgets during the period following the creation of the NPS have been so generous that services should be able to manage with the resources they have developed. The reality, however, is somewhat different. The period during which probation budgets have risen has been one of turbulent change, marked by the introduction of rafts of new practices, procedures and projects, all of which have involved large amounts of staff time in training and embedding these new aspects of probation work.

Probation area budgets in 2008

The extent of current anxiety about resources is reflected in area budgets. A survey commissioned by the Probation Boards' Association (PBA) during the financial year 2007-2008 found a service facing an 'unprecedented set of budget pressures', which, they noted, could potentially undermine the provision of services by local probation areas. A 100 per cent response to the survey was achieved from the 42 probation boards in England and Wales. Nine boards were in a significant deficit in their budgets, with another 11 having to make 'substantial' savings to balance their books.

A majority of probation boards reported that they were acting to address the implications of their budget allocations on service delivery. Over a third of areas (36 per cent) reported increasing offender caseloads with a diminishing number of employees, and 31 per cent were considering the possibility of having to reduce their workforce during the coming years. Seventeen per cent of areas reported an inability to afford to fill posts in 2007-2008; 19 per cent reported frozen or reduced training budgets or were considering this move; while 14 per cent were unable to employ their graduating trainee probation officers.

The PBA report made clear the fact that many areas were experiencing difficulties in balancing their budgets while delivering the necessary services to increasing numbers of offenders. The fact that boards would also be required to make further efficiency savings in tandem with a de facto reduction in budgets explains why, eight years after the creation of the NPS, staffing cuts were becoming part of their plans for the immediate future.

Given the increasing workload of the service and the government's wish to promote community sentences as an alternative to short prison sentences, any loss in professionally qualified staff must be of real concern, both in terms of restricting probation services' capacity to take on increased work and in

terms of public protection. It is also clear that, whatever we may find in terms of the size of budget allocation to probation areas, a great many areas are experiencing real difficulty in maintaining and deploying the levels of service required by a rising offender workload.

Chapter 1: Budgets, staffing and workloads

Introduction

Annual published data on budgets, staffing and workloads are used in this chapter to discuss changes since the creation of the NPS in April 2001. In addition, we have used staffing and workload data for the full period 1997-2006 in order to place some of these findings into a longer timeframe.

Probation budgets and boards

Prior to the commencement of each financial year, the director of probation sends each board a statement of the financial provision approved by the Home Secretary. This sum represents a board's resource allocation. Boards then prepare initial budgets giving income and expenditure, which are submitted to NOMS by the end of January. Recent years have seen delays in the allocation of resources with the result that boards have not received their budgets until February (as happened in 2005-2006) or April (2006-2007 and 2007-2008).⁸

As the PBA notes, resource planning is not an annual event but rather represents a continuous process of assessment between supply, demand and capacity, seeking to deliver services and achieve performance results. The late arrival of budgets impacts upon probation boards' ability to carry out effective forward planning.

Calculation of the resource allocation

Resources are calculated on a formula related to the needs of an area, which covers 85 per cent of resources, and a workload element which distributes the remaining 15 per cent.

The needs-based formula is based on seven indicators of need: social exclusion; social class; employment among under 25s; educational attainment; sentencing; unemployment; and lone parents.

The workload formula addresses labour and pension costs, the sparsity of the population, linguistic diversity and an element for fixed costs.

The resource allocation once calculated is also 'damped' to reduce the extremes between areas: in 2007-2008, damping was used to provide areas with a minimum adjusted increase of 4 per cent.

Boards are required to make efficiency savings. The Home Office, the Treasury and NOMS do not accept that there are circumstances where efficiency savings cannot be made and savings are set at a minimum of 3 per cent.

⁸ Probation Boards' Association (2007), 'Finance and probation boards induction information'.

Budgetary trends since the creation of the National Probation Service (NPS)

In order to examine changes in the budgets and workload of the NPS, we have taken as a starting point the year in which the NPS commenced, namely 2001-2002.

Table 1 shows the annual budget allocation for the probation service in the financial years 2001-2002 through 2006-2007, indicating a 39 per cent cash increase. Underneath the row setting out the actual sums allocated each year, we have calculated the sums at 2006-2007 prices to demonstrate the real-terms change in budget allocation. Overall, the budget allocation between 2001-2002 and 2006-2007 represents an increase in real terms of 21 per cent. The most substantial real-terms increase was in 2003-2004 when the budget increased by 29 per cent. For the last two years in the series, there has been a decline in the budget compared with 2004-2005.

Table 1: Probation budget allocations, 2001-2002 to 2006-2007

	2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2001- 2007 % change
Annual budget allocation	596,395	609,976	810,827	881,071	821,024	827,300	39%
Real terms*	683,148	677,503	875,226	925,495	844,579	827,300	21%
Real-terms annual growth rate*		-1%	29%	6%	-9%	-2%	

Figures in thousands of pounds

Source: National Audit Office Report on Community Sentences, (2008), Probation Boards' Association, (2007)

*Calculated using H.M. Treasury figures as at December 2007 at 2006/7 prices.

The announcement of a 'flatline' budget accompanied by expectations of ongoing efficiency savings for the coming three years would seem to indicate that the period of budgetary growth has ended and that services will encounter a decline in their financial resources over the next few years. Certainly the amounts built into the annual budget allocation have not consistently addressed services' needs: a paper prepared for the PBA estimated variations across the years since 2001-2002 when the National Probation Directorate's increase in resources have exceeded or fallen short of identified commitments which these increased resources were intended to cover.⁹

Workload trends

Table 2 shows the growth in probation caseloads since the creation of the NPS. (The series begins in 2002 since caseload figures are compiled on a calendar rather than financial year basis.)

⁹ Probation Boards' Association (2004), 'Report on annual budget allocation'.

Between 2002 and 2006 there was 26 per cent increase in court orders and a 17 per cent increase in pre- and post-release prison work. Overall, the caseload increased by 23 per cent for this five-year period.

Table 2: Caseloads, 2002-2006

	2002	2003	2004	2005	2006	2002-2006 % change
Court orders	116,100	120,700	128,200	137,400	146,500	26%
Pre-/post-release work	77,200	80,400	83,400	89,400	90,700	17%
Total caseload	193,300	201,100	211,600	226,800	237,200	23%

Source: Offender Management Caseload Statistics, (2006)

Changes in the numbers of new cases commencing in the two main categories of probation work during the period 2001-2006 are shown in Table 3. A 21 per cent increase in court orders has been accompanied by a decrease of 17 per cent in pre- and post- release work. The overall increase in commencements over this period was 10 per cent.

The apparent anomaly relating to work with prisoners – that a rising caseload is accompanied by falling numbers of commencements – is explained by the fact that more offenders are serving longer periods of time under probation supervision following release from prison. This is largely due to courts' sentencing practices and the longer periods of supervision required by the Criminal Justice Act 2003.

Table 3: New court orders and prison workload commencing 2002-2006

	2002	2003	2004	2005	2006	2002-2006 % change
Court orders	128,168	131,493	135,296	140,430	155,614	21%
Pre-/post-release work	51,812	50,626	48,450	46,103	43,160	-17%
All new work	179,980	182,119	183,746	186,533	198,774	10%

Source: Offender Management Caseload Statistics, (2006)

Table 4 shows the numbers of reports written by the probation service between 2002 and 2006. The number of pre-sentence reports (PSRs) written for courts fell by 17 per cent since 2001. This has been offset, however, by the increase in specific sentence reports (SSRs), which increased by 94 per cent between 2002 and 2006.

'No contact' reports are also included. These are reports which have been requested by the courts and which have had significant work done on them but the offender fails to attend for the actual interview with the probation service. The recording of this information stopped in 2005. Discounting these 'no contact' reports, there has been a decline of 2 per cent in the number of reports written in 2006 compared with 2001.

Table 4: Court reports written by the probation service, 2002-2006

Court reports	2002	2003	2004	2005	2006	2002-2006 % change
PSRs	185,275	163,265	161,525	142,997	154,250	-17%
SSRs	28,493	38,606	43,296	46,603	55,275	94%
'No contact'	33,836	37,995	36,378	*	*	
All reports	247,604	239,866	241,199	189,600	209,525	-15%
All excluding 'no contact'	213,768	201,871	204,821	189,600	209,525	-2%

Source: Offender Management Caseload Statistics, (2006)

* Recording of 'no contact' reports ceased in 2005, therefore no percentage change has been calculated

The number of staff employed by the probation service engaged in posts involving work with offenders for the period 2002-2006 is shown in Table 5. , Although we have included senior probation officers in the table this post has been excluded in calculations that pertain to the numbers of staff available to work directly with offenders – the 'frontline staff' contingent – because the post has become increasingly managerial.

We have therefore included a total of 'frontline staff' – those whose work is usually directly concerned with working with offenders. In order to understand the composition of this vital part of the workforce, we have also calculated the number of 'main grade' probation officers – that is, the total of trained officers and trainees (again, excluding senior probation officers).

Table 5: Staffing, 2002-2006

	2002	2003	2004	2005	2006	2002-2006 % change
Senior probation officers	1,100	1,130	1,173	1,240	1,793	63%
Senior practitioners	218	227	336	439	345	58%
Qualified probation officers	6,214	5,358	5,610	5,824	5,964	-4%
Trainee probation officers	1,566	1,784	1,732	1,407	1,098	-30%
All probation officers*	9,098	8,499	8,851	8,910	9,200	1%
All main grade officers**	7,780	7,142	7,342	7,231	7,062	-9%
Probation services officers	4,083	5,648	5,644	6,800	7,247	77%
Psychologists	-	23	18	19	21	-
Other operational	--	1,081	1,377	1,507	1,543	43%
Operational staff, excluding probation officers	4,083	6,752	7,039	8,326	8,811	116%
All operational	13,181	15,251	15,890	17,236	18,011	37%

'Frontline' staff***	12,081	13,017	13,322	14,470	14,654	21%
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Source: National Probation Service Workforce Profiles for relevant years

*Includes senior probation officers, senior practitioners, qualified probation officers and trainees

** Includes probation officers and trainee probation officers

*** Includes senior practitioners, probation officers, trainees and probation services officers

There was a 1 per cent increase in all probation officers between 2002 and 2006.

The 2006 figure for senior probation officers indicates a 63 per cent increase while the number of senior practitioners increased by 58 per cent.

However, the number of qualified probation officers declined by 4 per cent over the five-year period from 6,214 to 5,964. Trainee posts reached a peak in 2003 but subsequently have fallen, and by 2006 the number of trainees was 30 per cent lower than it had been in 2002.

The numbers of main grade probation officers – that is, both qualified and trainee officers – have fallen by 9 per cent between 2002 and 2006.

A major area of growth in staffing has been in the numbers of probation services officers (PSOs), which increased by 77 per cent over the five years being considered. There was also a 37 per cent increase in 'all operational staff'. Combining the various roles involved in 'frontline' (face-to-face work with offenders) activities shows an increase of 21 per cent in these staff groups overall.

The growth of senior management positions within the probation service is shown in Table 6.

Table 6: Senior management posts, 2001-2006

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2001-2006 % change
Chief officers	40	40	42	44	40	-
Deputy chief officers/directors	26	45	54	61	77	196%
Assistant chief officers and equivalent	210	299	295	322	315	50%
Area/district managers	82	89	153	150	180	120%
All senior managers	358	473	544	577	612	70%

Source: National Probation Service Workforce Profiles for relevant years

Since the creation of the NPS, senior posts have increased by 70 per cent. This rise is mainly due to increases in deputy chief officer (DCO) and director posts and in area and district managers, the numbers of which have increased by 196 per cent and 120 per cent respectively.

Absences due to sickness can impact on capacity to deliver: the average numbers of days lost through illness are shown in Table 7. There has been little fluctuation in the figure for the five-year period, which has remained higher than the average for the public sector throughout.¹⁰

Table 7: Average days lost to sickness, 2001-2006

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
Average days lost	12.6	11.9	12.3	12.3	12.3

Source: National Probation Service Workforce Profiles for relevant years

Long-term staffing and workload, 1997-2006

If we try to put the recent period into a longer timeframe, a picture of long-term change in workloads and staffing can be constructed. Table 8 shows changes in the caseload since 1997. Over the past ten years the court order caseload has risen by some 40 per cent, with a 60 per cent rise in the amount of pre- and post- release prison work.

Table 8: Caseload figures, 1997-2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	1997-2006 % change
Court orders	104,800	115,000	109,700	108,700	109,000	116,100	120,700	128,200	137,400	146,500	40%
Pre-/post-release	56,700	63,700	68,800	70,500	72,600	77,200	80,400	83,400	89,400	90,700	60%
All supervision	161,500	178,700	178,500	179,200	181,600	193,300	201,100	211,600	226,800	237,200	47%

Source: NOMS Caseload Statistics, (2006)

Table 9: Staffing, 1997-2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	1997-2006 % change
Senior probation officers	946	931	965	1,005	1,108	1,100	1,130	1,173	1,240	1,793	90%
Senior practitioners	73	69	85	130	143	218	227	336	439	345	373%
Qualified probation officers	5135	5240	5501	5458	5885	6,214	5,358	5,610	5,824	5,964	16%
Trainee probation officers	-	229	523	564	1096	1,566	1,784	1,732	1,407	1,098	379%
All probation officers	6,154	6,469	7,074	7,157	8,232	9,098	8,499	8,851	8,910	9,200	49%
All main grade officers*	5,135	5,469	6,024	6,022	6,981	7,780	7,142	7,342	7,231	7,062	38%
<i>*Probation officers and trainees</i>											
Probation services officers	1,919	2,027	2,502	2869	3,566	4,083	5,648	5,644	6,800	7,247	278%
Psychologists	-	-	-	-	-	-	23	18	19	21	-
Other operational	-	-	-	-	-	--	1,081	1,377	1,507	1,543	43%
Operational staff, excluding probation officers**	1,919	2,027	2,502	2,869	3,566	4,083	6,752	7,039	8,326	8,811	359%

¹⁰ National Audit Office (2006), The Management of Staff Sickness Absence in the National Probation Service.

All operational staff ***	8,073	8,496	9,576	10,026	11,798	13,181	15,251	15,890	17,236	18,011	123%
'Frontline' staff ****	7,127	7,565	8,611	9,021	10,690	12,081	14,121	14,717	15,996	16,218	128%

*** Due to changes in recording practice, figures include probation services officers only, 1997-2003*

****All probation officers and other staff listed above*

*****Includes senior practitioners, probation officers, trainees and probation services officers*

Source: Probation Statistics 1997-2001 and NPS Workforce Profiles 2003-2006

Table 9 shows changes in staffing levels between 1997 and 2007.

The number of senior probation officers has increased by 90 per cent. The number of senior practitioners has also increased substantially, although these posts represent a small proportion of all probation staff.

The number of qualified officers is of particular interest since they represent the core of frontline probation work. Their numbers increased between 1997 and 2006 by 16 per cent. While the number of trainee probation officers has increased considerably over ten years, after substantial growth between 1998 and 2003, their numbers have fallen and are set to fall even further.

The numbers of qualified officers and trainees are combined in the row captioned 'All maingrade officers'. This indicates an increase over the ten-year period of 38 per cent.

The exponential rise of PSOs can be seen in the increase in such staff from 1,919 in 1997 to 7,247 in 2006 – an increase of 278 per cent.

It is difficult to compare the series of figures for certain categories because of changes in recording practices. 'Other operational staff' were not recorded as such until 2003, and this consequently affects our ability to calculate change for this group. The period 1997 to 2002 shows PSO numbers only for the total 'other' group.

'All operational staff' totals the number of probation officers, PSOs and 'others'. The figure indicates an increase of 123 per cent over the period 1997 to 2006.

Combining maingrade probation officers, trainees and PSOs into the 'frontline staff' category indicates an increase of 128 per cent of the staff group most likely to be involved in face-to-face work with offenders over the period.

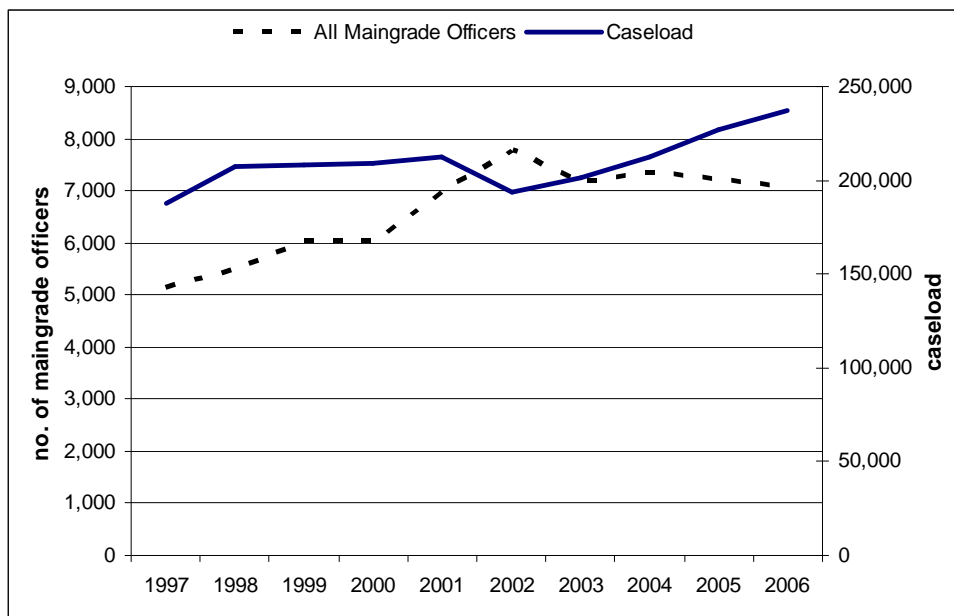
The relationship between staff numbers, budgets and workload, 2001-2006

So far, the picture seems to suggest that resources appear have broadly kept pace with workload increases if we consider staff numbers as a whole. This picture changes if we consider the number of professionally qualified staff available. Priorities seem to have been to strengthen managerial and support

resources rather than the maingrade officers who take responsibility for the key decisions in individual cases.

However, given the pace of change within both probation and the criminal justice system more generally, Figure 1 demonstrates why taking the long-term view may not be as appropriate as focusing on events since the creation of the NPS. The graph indicates that the direction of growth of the caseload and of the numbers of main grade probation officers have diverged since 2002. The graph supports the PBA argument that, although staff numbers may have improved, 'trained and experienced officers do not match the growing size of the caseload.'¹¹

Figure 1: Maingrade probation officers and caseloads, 1997-2006
(Includes qualified and trainee probation officers. Caseloads as at end of year)



However, while overall numbers of staff have increased, so has the complexity of their work. Since the creation of the NPS, the increased numbers of offenders on the caseload have also entailed increased tasks. Calculating the ratio of offenders to staff offers a simple way of considering resource issues, as indicated in Table 10.

¹¹ Probation Boards' Association (2006), The Future Governance of Probation.

Table 10: Average number of offenders per frontline member of staff, 2002-2006

	2002	2003	2004	2005	2006	2002-2006 % change
Qualified probation officers	31.1	37.5	37.7	38.9	39.8	28%
All main grade officers*	24.8	28.2	28.8	31.4	33.6	35%
'Frontline' staff **	16.0	15.4	15.9	15.7	16.2	1%

*Qualified officers and trainees

**All senior practitioners, main grade officers and probation services officers

The ratio of offenders to qualified probation officers has increased by 28 per cent, to main grade officers by 35 per cent and to all frontline staff by 1 per cent. These figures indicate that, while it might be argued that staffing has kept pace with the growth in offender numbers, this is not reflected in the professional core of probation staff. These figures do however represent the changing size of *caseloads*. The Chief Inspector of Probation notes that average probation caseloads across the country vary from 25 to 70. He notes further that, on average, probation officers manage a far higher number of cases than practitioners in youth offending teams (YOTs), where the average number of cases per person 'is about 12 and rarely more than 20'.¹²

The budget, workload and staffing numbers need to be placed in the context of changes in the organisation of probation work and in the criminal justice system more widely. As we discuss in the next chapter, there has been considerable organisational change in the short history of the NPS.

¹² H.M. Inspectorate of Probation, Annual Report 2006/2007.

Chapter 2: The implementation of change

Workload implications of the shift to a National Probation Service (NPS)

While overall numbers of staff have risen alongside increasing workloads and budgets, much of the implementation of change during the period since the creation of the NPS seems to have been carried out without sufficient regard to the workload implications of widespread change. This change has had significant impact in terms of training, acclimatisation to new working practices and the impact of new systems on the amount of time staff spend recording and entering data.

Constant change interferes with the ability to 'bed in' new practices and ways of working. The bottom line for the probation service has been the management of an increasing workload while adjusting to new IT systems, procedures and the raft of new forms of work introduced during the period.

The overall effect of the changes inaugurated in probation by the 2000 Criminal Justice and Court Services Act which created the NPS has been that of 'more control and less accountability' argues the PBA. This has, the Association maintains, created a paradoxical situation in which 'whilst greater central control has been exerted, there has been an increasing awareness of a lack of leadership and direction'.¹³ Certainly the numbers at the centre increased, as Home Office staff with responsibility for probation rose from 84 in 2001 to at least 210 by 2006 – an increase of some 150 per cent.¹⁴

The introduction of new ways of working – OASys, MAPPA, DRRs, accredited programmes, basic skills, enhanced community punishment and so on – all form the background against which the probation service has had to supervise its caseload while attending to a variety of new schemes. The numbers of offenders going through accredited programmes, for example, is shown in Table 11 below, together with the percentage of the completion target achieved. There has been a rise of 158 per cent in programme completions since 2002-2003. These results clearly represent a large amount of staff time and illustrate the quantity of new work being undertaken during this period.

¹³ Probation Boards Association (2006), *The Future Governance of Probation*.

¹⁴ Hansard, 6 Mar 2007: Column 1930W. The actual figure is higher but the identification of NOMS staff dealing with probation issues would have involved 'disproportionate cost' to compile.

Table 11: Accredited programmes, 2001-2002 to 2006-2007

	Completion target	Completions achieved	Percentage of completion target
2001-2002	10,027	3,431	34%
2002-2003	12,000	7,716	64%
2003-2004	15,000	13,136	88%
2004-2005	15,000	15,595	104%
2005-2006	15,000	17,127	114%
2006-2007	17,500	19,875	114%

Source: National Probation Service Performance Report 24, 2006-2007

There have been constant and overlapping demands on staff, including training initiatives, which in some cases have begun as soon as a previous one finished. This intensity of change was described by a researcher on a recent research evaluation who told us that staff supposed to be delivering a new style of working with offenders were frequently not present because they were still receiving training to deliver the intervention that was already under evaluation.¹⁵

The introduction of new ways of working was accompanied by new data recording requirements, which created further demands on staff time. In particular, the use of the Nsmart system and the file reading demands of the monitoring of National Standards have been described as particularly onerous, involving large numbers of staff in reading case files and entering the data onto computer for subsequent central collation.¹⁶ Nor do such exercises seem to have had operational benefits for the probation service; the quality of feedback from the National Probation Directorate (NPD) after requiring probation services to provide extensive information on a monthly basis was reported by the National Audit Office to have been found of limited use by probation areas.¹⁷

The increasing complexity of work with offenders, coupled with a growing caseload, characterises the challenge faced by the new NPS since April 2001.

¹⁵ Personal communication to the researchers.

¹⁶ One interviewee in our research described a scene in which the chief officer and two assistant chief officers (ACOs) were involved with IT staff debating the interpretation of data to be entered into the system. There was particular concern that cases which could be re-interpreted as 'acceptable' on technicalities should not be entered as 'failures', thus reducing the performance rating of the area. This debate, taking place at the commencement of the financial year, was focused on five cases.

¹⁷ National Audit Office (2008) The Supervision of Community Orders in England and Wales.

National Offender Management Service (NOMS)

Having undergone a wide-ranging, rapid and complex reorganisation in its first three years, the probation service has been faced with further transformation as a result of the Carter Report (2003). The report proposed a new National Offender Management Service (NOMS), which would provide 'the end to end management of offenders'.¹⁸ The review, carried out by Patrick Carter, proposed the incorporation of the probation and prison services into a new system which would 'manage' offenders and commission various resources from the public, private and voluntary sectors as necessary. In effect, this would create a market for offender-related services similar to the model Carter had devised for community care for the Thatcher government.

The Carter Report did not involve a great deal of debate as to the most desirable form the future of community penalties should take and appeared to have been something of a 'done deal' based on very limited consultation.¹⁹ The report was published in December 2003, with the government's 'considered response' being published some 26 days later.

The report was based heavily on the assumption that sentences involving probation and prison necessarily overlap and that, therefore, 'seamless management' would be needed to provide effective interventions across the two. It is clear that, where the two services do intersect, good communication and co-operation are necessary to ensure a continuity of supervision and intervention. However, Carter's report tends toward the assumption that *all* sentences involve both prison and probation. This is far from the case: community sentences involve probation practitioners working with some 150,000 offenders and with a further 90,000 pre- and post-release prisoners.²⁰ Probation practitioners manage these offenders, co-ordinating and in some cases commissioning the services of a wide variety of local agencies in seeking to effect rehabilitation and to protect the public.²¹ Some 63 per cent of the offenders who form the probation service's caseload are dealt with entirely in the community, and their needs and the needs of those working with them have to be seen in this community-based context rather than as an adjunct to the prison service.

Only weeks after the publication of the Carter Report, the PBA noted 'considerable unease' amongst sentencers, prison and probation staff, criminal justice commentators and a variety of politicians towards 'poorly communicated and insufficiently developed plans for the creation of a correctional service in England and Wales'.²²

The plans for NOMS were not the only area of criticism: so too was the cost of yet another round of reorganisation. Three years on, the annual report from Her Majesty's Inspectorate of Probation addressed the issue of the cost of

¹⁸ Carter, P. (2003), *Managing Offenders, Reducing Crime, A New Approach*.

¹⁹ Dobson, G. (2004), 'Get Carter', *Probation Journal*, 51(2), pp.144-154.

²⁰ NOMS, *Caseload Statistics*, 2006.

²¹ Probation Boards' Association (2004), 'Outline response from the PBA to the government's plans for transforming the management of offenders'.

²² Probation Boards' Association (2006), 'Response to Home Office consultation on national offender management'.

NOMS, stating, '[whether] the amount being paid is proportionate to the benefit is open to question while the benefits are not yet being fully realised'.²³

An adjournment debate on NOMS on 6 April 2005 gave MPs a chance to raise their concerns about the proposed new structure. The sheer size of the regions was of great concern, both in terms of the capacity for creating even more bureaucracy and for obscuring the need to consider local circumstances and solutions. The government also came under criticism for refusing to publish the business case for NOMS. Disclosure of this information, the government held, would 'impinge on the space needed by the government to debate all relevant issues' and 'lead to speculation on the way NOMS is being established', which could 'lead to a decline in support for the policy'.²⁴ It was not made clear why interest in the business case would necessarily lead to such a decline in support.²⁵

Despite growing concerns among politicians, criminal justice commentators and those actually involved in working with offenders, preparations for NOMS continued. Concerns were further heightened by the spiralling costs of the C-NOMIS computer system, the costs of which had been estimated at some £234 million by 2020 but which had reached £155 million by July 2007, with 85 per cent of this sum being paid to consultants, contractors and suppliers.²⁶

The Offender Management Bill received Royal Assent on 26 July 2007. The Act sets out the guiding principles of NOMS. Of note is the fact that the then chief executive of NOMS, Helen Edwards, felt the need to assure staff that 'ministers have also given a commitment that core offender management work will be commissioned from the public sector for at least three years, until at least until 2010'.²⁷

The Act lifted the statutory duty for probation boards to make arrangements for probation services, transferring this duty to the Secretary of State who would contract with providers to provide these services. The Act embedded commissioning and contracting out into the framework of probation. Commissioning was to take place on a national, regional and local level. Regional commissioners would manage these activities within their respective regions, commissioning some activities regionally while others would be commissioned more locally by a 'lead provider'. Of particular interest to probation staff, one imagines, was this comment in the Guidelines to the Act: 'Provided their performance meets the requirements, the lead provider in a probation area will be the probation trust.'²⁸

Probation trusts were a product of the new Act, new public sector bodies who would be able to contract alongside providers from other sectors. From 1 April

²³ HMIP Annual Report 2007/2008.

²⁴ Beatrix Campbell (2005), *The Guardian*, Wednesday July 6 2005.

²⁵ It is clear that NOMS has been particularly reluctant to disclose information about itself in response to Freedom of Information Act requests, to the extent that the information commissioner's office has issued a set of recommendations pertaining to the handling of such requests (<http://www.ico.gov.uk/>).

²⁶ Hansard, 10 September 2007: Column 1995W.

²⁷ Guide to the Offender Management Act 2007 regarding probation services, circulated to the 42 NPS areas by Helen Edwards (NOMS chief executive), September 2007.

²⁸ *ibid.*

2008, six probation areas were accorded trust status,²⁹ with decentralised powers including budget flexibility. Two more waves of trusts are to be created in April 2009 and April 2010. Any probation areas whose performance did not qualify for trust status by then may have their services opened up to competition from other trusts or providers. The Act effectively introduced the space for a market in correctional services.

With considerable work already undertaken on the development of NOMS, in 2007, the government announced a modification to the NOMS model proposed by the Carter Report (2003). Controversy had attended the process of transition to NOMS, with particular focus on the costs involved. Following a review by a senior civil servant, Ursula Brennan, the Secretary of State for Justice announced in a written statement a reorganisation of the Ministry of Justice itself, with NOMS and the prison service being brought together with a streamlined HQ, 'so as to improve the focus on frontline delivery of prisons and probation and improve their efficiency'. This new arrangement would be overseen by the former director general of prisons.³⁰

The future of probation

The track record to date of the NPS has been marked by ongoing change and a reshaping of working practices, with the promise of further change always just around the corner. This has been, as the Chief Inspector of Probation points out, 'a time when organisational change is becoming virtually a constant'. The Chief Inspector goes on to note that, 'while it is possible for innovations, including structural changes, to make a beneficial contribution, this can only be effective if applied with great care and patience'.³¹ The period of constant change since April 2001 is set to continue, as is the increasing complexity of probation work. Jack Straw, speaking at the Howard League Annual General Meeting in November 2007, said: 'Today we have a Probation Service which is delivering more, and delivering it better than, I suggest, it has done in its history'.³² This is high praise. Whether the service can go on delivering in the midst of yet more change and under the shadow of reduced finances is yet to be seen.

As this report was going to press, the justice minister announced that he was launching a consultation exercise to examine how boards and trusts could best provide 'the most cost-effective route to help rehabilitate and punish offenders'.³³ The overarching framework for delivering this is to be achieved through the 'Best Value' system, adapted from the model already in use in local government. This approach will make boards and trusts responsible for ensuring continuous improvement in their services by drawing on the most cost-effective solutions, whether those solutions are from the public, private or voluntary sectors. The new regime is intended to bring efficiency savings, but in its consultation paper the government has observed that past

²⁹ Dyfed Powys; Humberside; Leicestershire and Rutland; Merseyside; South Wales; and West Mercia.

³⁰ Straw, J. (2008) 'Reorganisation of the Ministry of Justice', written ministerial statement, 29/1/2008, <http://www.justice.gov/news/announcement290108a.htm>.

³¹ HMIP Annual Report 2007/2008.

³² Straw, J. (2007), Speech to The Howard League for Penal Reform AGM, 21 November 2007, <http://www.justice.gov.uk/news/sp261107a.htm>.

³³ 'Consultation launched on delivering effective services to turn offenders away from crime', Ministry of Justice, <http://www.justice.gov.uk/news/newsrelease090408a.htm>.

implementation of Best Value has imposed a cost burden. The changes signal a further move toward a 'mixed economy of corrections', in that probation areas will eventually be able to offer services to other probation areas as well as keeping a constant eye on whether or not their own services could be delivered more cost-effectively by another agency. For the time being, the provision of services to the courts will remain with the probation service 'until Parliament decides otherwise'.³⁴ The government has already made a commitment to keep offender management in the public sector until 2010. With the emphasis on obtaining trust status and on Best Value, the probation service will have to consider, absorb and respond to yet more change.

³⁴ *ibid.*

Chapter 3: Financial planning in a climate of change

The relationship between budget and workload

As the National Audit Office notes, courts drive demand for the probation service but probation funding has come from NOMS (and before that from the National Probation Directorate (NPD)).³⁵ This highlights a major problem for the probation service: service level agreements are enacted between probation areas and the centre but the size and nature of the workload are dependent upon the activities of sentencers.

There is no satisfactory means for evaluating the relationship between changes in budget allocation and the increase in workload within the probation service. Without unit costs being available, it is not possible to predict accurately the number of staff actually needed to effectively deliver services to the probation service's growing caseload.

The formula used for calculating budget allocations has been roundly criticised by many probation services as not adequate for matching resources to needs. Forecasting the likely growth in budgets appears to be in need of improvement: the budget allocation for 2007-2008 was based on caseloads for 2003-2005. The National Audit Office also remarks on the fact that the formula does not address the risk presented by offenders, with the result that more serious cases require a greater level of intervention but attract a similar weighting to less serious cases. This is clearly something of a shortcoming, since it does not conform to the contemporary orthodoxy in the public sector that resources should follow risk.

Lacking the ability to match capacity to demand, it is extremely difficult to evaluate the adequacy of staffing levels for meeting future demand for services. However, we note that present workloads are being managed with difficulty, and within constrained financial circumstances, in a climate in which existing staffing levels are under threat. We have referred in Chapter 1 to the decline in numbers of qualified staff, and to think that areas might actually have to lose some of these staff to balance their books must be a cause for concern.

In some areas, the National Audit Office identified that the service level agreements between areas and NOMS varied considerably. It refers to one example where courts in south London sentenced 488 offenders to accredited domestic violence programmes in 2006 even though the service level agreement for the whole of London was for only 300 such places.³⁶ This highlights a criticism which has been raised by the PBA – that centralised planning and control obscure important local issues and trends. Setting service level agreements between probation areas and the centre is not the same as setting them with local sentencers. This raises the issue of how probation areas' capacity can be made properly responsive to local needs – a theme which the PBA has raised on several occasions.³⁷

³⁵ National Audit Office (2008), *The Supervision of Community Orders in England and Wales*.

³⁶ *ibid.*

³⁷ *Inter alia* Probation Boards' Association: *The Future Governance of Probation* (2006), *Five Principles for a Modern Probation Service* (2006), *The Future of Probation Boards* (2006)

It appears that reorganisation and change in the NPS have not been based on adequate principles for linking budgets and areas' existing and projected workloads. As the National Audit Office noted, those in the highest layers of probation, and subsequently in NOMS, have not known how much an accredited programme or any other form of supervision costs.³⁸ Given this lack of knowledge about the necessary numbers of staff needed to deliver services, the government's plans, announced in the Comprehensive Spending Review, to reduce the budget allocation to probation areas mentioned at the start of this report are somewhat surprising.

From studying the short history of the NPS, it is clear that financial allocation and planning have been matters of major concern and that there are a number of issues that affect attempts to ascertain the adequacy of the probation service's budget settlement in terms of its relationship to work being undertaken. What is clear in the following section is the complex and overlapping impact of change and centralisation upon areas' ability to operate effectively.

Early complexities in financial planning

There were early concerns about the allocation of resources from the NPD to probation areas. A report prepared for the PBA identified a number of concerns with several of the new approaches to dealing with financial resources introduced by the NPD.³⁹

Although high-performing areas were entitled to increased performance payments in the following year, the introduction of performance penalties meant that areas failing to meet performance targets were to lose resources from their next budget. The concept of linking underachievement to a cut in funding seems a rather strange way to try to improve performance in underperforming areas.

The role of the centre in managing spending on behalf of probation areas does not seem to have been viewed as offering good value to those areas. The centralisation of estates management, for example, was viewed by the PBA as presenting a threat of money being clawed back to cover for higher than expected costs.

The report also noted that IT costs had risen by 88 per cent over the previous year. The introduction of computerisation into the probation service has been dogged by failures by the centre to deliver and to keep within budget, as we have already mentioned in relation to the C-NOMIS system. An earlier system introduced in the 1990s also raised concerns over costs and the system's general utility, and contained sharp criticism of the Home Office's management of the scheme, which cost some 70 per cent more than projected.⁴⁰

³⁸ National Audit Office (2008), *The Supervision of Community Orders in England and Wales*.

³⁹ Probation Boards' Association (2002). 'Report on the Financial Settlement 2002/3'.

⁴⁰ Home Office (2001), 'The implementation of the National Probation Service Information Systems Strategy', report by the comptroller and auditor general, HC 401, Session 2000-2001.

The PBA report noted that areas were to pay the centre for audit and were 'likely to be paying significantly more than previously for this service and in many cases they will be getting significantly less days of actual internal audit'. The NPD exercised a highly interventionist central control over areas' budgets. This meant that the ability to manage their budgets flexibly was curtailed by a restriction on both over- and underspending. This gave no incentive to make savings which could be used to plan future service delivery, since the amount underspent in a year would be deducted from the next year's budget.

Continuing issues in managing budgets

In addressing the issue of the adequacy of the probation service's budget allocation, we have noted the difficulty of interpreting the relationship between the actual budget and work being undertaken by the service. It is useful to consider the views of the probation boards themselves, since they are the employers in each local area and it is their responsibility to manage and regulate the finances of the area. Their experience at the local level offers an important perspective with which to view the operation of the probation service.

In a short survey of probation boards in 2007, board members were asked to evaluate their ability to set a balanced budget in 2007-2008. Responses were received from 100 per cent of boards.⁴¹ Key points made by respondents are set out below.

Approved premises

The grant from the centre for running approved premises was noted to have fallen behind the cost of running the premises, with the result that areas were having to subsidise approved premises from the main grant. This issue disadvantaged areas to varying degrees – something which areas that had been adversely affected were resentful about.

One area remarked that 'if the decision to run Approved Premises was made on purely commercial grounds, we would pull out as this would give us more money to spend on Offender Management or other Intervention services'.

Planning for the future

Respondents to the survey predicted problems with the flat-cash settlement. Because of the nature of the calculation and allocation of probation budgets, medium- to long-term planning was not deemed possible. The flat-cash scenario was also likely to make life difficult because of pay awards and rising pension costs.

The funding formula

We have already noted the lack of ability to relate budgets to workload. Respondents in the survey described the formula used to calculate probation budgets as 'no longer fit for purpose', and remarked that it did not enable a fair distribution of resources between areas. These comments reinforce those of the National Audit Office referred to previously.

⁴¹ Probation Boards' Association, PBA Survey Final Report 2007.

Workload and the courts

'Although the service level agreement targets have been reduced this has no impact on the demand pressures from the courts and other customers, which are growing.'⁴²

As we have noted, the establishment of service level agreements with the centre on work to be undertaken is of little use when demand is driven by the activity of the courts.

Pressures on service delivery

Many respondents noted, in particular, that they seemed to be reaching a point where effectiveness and the quality of services were jeopardised by growing pressures on staff. For some, decreases in overall performance were seen as linked to reduced numbers of staff and an increase in sickness leave. We have already noted that probation's annual average number of days lost due to sickness is higher than average for the public sector.

Increases in the numbers of high-risk cases were reported to be handled by fewer staff, with the effect that stress levels were raised uncomfortably. Employee relationships with employers were described in many cases as deteriorating. In several areas, this discontent was said to be related to the Workload Measurement Tool used to allocate and measure practitioners' workloads.⁴³

Staff were noted as being resentful of the amount of time being spent on various aspects of NOMS rather than on actual service delivery.

Cutting back

Where areas tried to make reductions in staff in order to balance their budgets, they found themselves unable to offer pension enhancements or other inducements which would make voluntary redundancy attractive to some, with the implication that any redundancies which had to be made would have to be compulsory.

A lack of central direction

The view was expressed that, with the perceived failure of NOMS, the centre was leaving local areas to cope without any national strategy underpinning their work, while they struggled to make ends meet and to provide services to their growing caseloads. The constant preoccupation with balancing an increasingly tight budget was described as a significant distraction from what was seen as the real task of the probation service.

Looking to the future, respondents to this survey made some interesting observations. Many were likely to accrue significant deficits. It was also noted that, while some savings could be made, this was increasingly difficult as the service was pared down to the bone. Areas which had frozen recruitment thought that they would need to make further reductions in staff (although they

⁴² Quote from board member, Probation Boards' Association, 2007.

⁴³ National Probation Service (2004), 'Workload Measurement Tool Project Update', National Probation Service Briefing 19.

could not afford to make staff redundant) because of the impact on service delivery and because of the costs involved.

Overview

The allocation of budgets to probation areas has been problematic for a number of reasons. Overall, there is the issue of what services actually cost. This is a crucial factor, which needs to be addressed in meeting demand. Looking back to the start of the national service, the control exercised over probation budgets from the centre seems unnecessarily restrictive in its prevention of flexibility and in failing to reward areas which actually made savings by enabling them to carry the money forward to the next year.

With the advent of NOMS there has been no less complexity. Indeed, it seems that life has been even more complicated – for example, with areas having to focus upon contestability and dividing their functions into a division between interventions and offender management. The cost of change over the period since April 2001 is hard to calculate, but what is certain is that some of the costs of NOMS could have had a more immediate impact had they been invested in direct work with offenders.

More recently, the survey by the PBA shows that there are significant concerns about the ability in many areas to deliver services at an adequate and effective level. For boards, this is an important issue in their efforts to achieve trust status. For the public, the fact that services are struggling to deliver services amidst potential job losses, frozen vacancies and recruitment must also raise concerns about public protection and safety.

Chapter 4: Effectiveness and service delivery

Effectiveness and budgets

The PBA survey identified 25 boards whose budgets were in surplus at the end of 2006-2007.⁴⁴ Some of this surplus is undoubtedly due to good management, although the survey also notes that the most common reason for such a surplus was a 'windfall' from NOMS towards pension funding late in the financial year. Clearly effective service delivery cannot rely on 'windfalls' to consistently make up budgetary deficits year on year.

The inability of boards to carry out medium- to long-term planning due to the late arrival of details of their budget allocation for the coming year has already been raised in this report. It is noted that a parliamentary question to the justice minister in late January of this year received the response that budgets had not been settled for the coming financial year.⁴⁵ In a number of responses to questions in the Commons, we see the statement that boards meet the cost of providing services 'as they see fit to meet their statutory duties'.⁴⁶ However, due to the apparent inequity in resource allocation, identified by boards themselves as in large part due to the funding formula, this creates something of a 'sink or swim' situation for the probation service at a local level. In addition, the demand for services created by courts, which differs across areas, creates a local situation which stretches centrally planned resources to the limits and beyond for some areas. There are wide local variations in the use of the various requirements of community orders.⁴⁷

Where areas encounter difficulties in service provision due to budgetary shortcomings, they have necessarily deployed various strategies to manage these situations. These include reaching agreements with local courts in order to limit the number of community orders being made, minimising supervision for lower-risk offenders and the use of early revocation of the order for good behaviour. However, as we see in the PBA's report, some respondents note that they have a disproportionate number of high-risk offenders, which disadvantages them in comparison with areas where the offender caseload contains proportionately fewer such cases. The theme of local problems being addressed by centrally allocated funding is a repeated one in reading the boards' responses to the 2007 survey.

Practitioner numbers and a rising caseload

The number of professionally qualified probation officers has been diminishing over the last few years. There has also been a downturn in the replacement of staff generally, with the number of those leaving work in the NPS exceeding those starting between July 2006 and June 2007, with 1,844.7 starters but 1,976.6 leavers.⁴⁸ Coupled with a high sickness rate, this is a worrying trend,

⁴⁴ Probation Boards' Association (2007), Boards and Resource Management, PBA Survey, Final Report.

⁴⁵ Hansard, 29 January 2008: Column 312W.

⁴⁶ Hansard, 7 January 2008: Column 170W; Hansard, 1 April 2008: Column 894W.

⁴⁷ Solomon, E. and Rutherford, M. (2007), Community Sentences Digest, London: CCJS.

⁴⁸ Hansard, 11 March 2008: Column 384W.

which may be exacerbated if boards find themselves in the position of having to make redundancies in the 2008-2009 financial year.

The impact on the caseload of a rising number of lower risk offenders was noted in 2002-2003 by the then Chief Inspector of Probation, Rod Morgan. He noted that caseloads were 'silting up' with such offenders and that the rise in probation caseloads was analogous to prison overcrowding.⁴⁹ In Chapter 1 we saw the rise in the proportion of offenders to probation officers and noted the present Chief Inspector of Probation's comment on the wide range among average caseloads across areas in the NPS. This is an issue which needs to be addressed nationally rather than on a piecemeal basis.

A further consideration when addressing staffing levels is that not all areas have the same ratio of qualified probation officers to other frontline staff.⁵⁰ Such differing staff profiles across areas may serve to disadvantage those areas with a smaller proportion of qualified staff.

OASys: the time costs of detailed assessment

The Offender Assessment System (OASys) was introduced in order to standardise risk assessment of offenders. Practitioners record data pertaining to the offender and his/her offending – such as drug and alcohol use – in order to assess the likely level of risk posed by the individual in terms of re-offending. The original paper version of OASys has been transposed into an electronic system in order to allow staff to enter data directly into their computers.

A survey of probation practitioners carried out by the Centre for Criminal Justice at Liverpool John Moores University found that 20 per cent of respondents took up to 60 minutes to complete one OASys assessment, 23 per cent took between 60 and 90 minutes, 20 per cent took between 91 and 120 minutes, and the other 37 per cent of respondents reported taking longer than two hours.⁵¹ A similar survey carried out by Gale produced similar findings and noted that OASys was said to be causing stress among staff who subsequently required sickness leave.⁵² It is likely, of course, that for those using the tool on a regular basis the time taken to complete the assessment may have reduced somewhat with familiarity.

While reliable and useful risk-assessment procedures are clearly necessary in working with offenders, they are not time-neutral for practitioners. If OASys takes one hour to complete, a practitioner completing ten such assessments in a week would spend over a working day on data entry alone. The introduction of this new tool has therefore made a large proportion of cases systematically more time-consuming to administer and is likely to have added

⁴⁹ H.M. Inspectorate of Probation, Annual Report 2002/2003.

⁵⁰ National Probation Directorate, unpublished paper on staff ratios.

⁵¹ Mair, G. (2004), 'Probation officers' views about OASys: the results of a survey', Liverpool: Centre for Criminal Justice, Liverpool John Moores University.

⁵² Gale, J. (2007), 'Work Employment and Society', paper presented at Aberdeen University conference, September 2007.

to the workload demands for such cases. Whatever the merits of OASys, probation practitioners are required to find a considerable amount of working time to complete the assessments.

Targets and performance

The National Probation Directorate (NPD) has been an enthusiastic collector of performance data, publishing various league tables and lists of accomplishments for key targets. As we have seen earlier, failure to achieve these targets when the National Probation Service (NPS) was created meant financial penalties for areas.

We have identified several issues which pertain to these targets. National Standards monitoring requires a large amount of staff time to carry out file readings to supply the NPD with data on areas' compliance with these standards.

In effect, National Standards monitoring has taken centre stage and, following the creation of the NPS, more attention seems to have been given to taking breach action than to either the quality of service provided or the actual outcome of the order. This focus on process has been directed as much at practitioners' behaviour as at offenders'.

The National Audit Office has commented on the NPD's performance measurement:

'The Probation Service's performance targets do not focus sufficiently on outcomes, and in some instances targets can have the potential for unintended consequences. Central demands for data are perceived to be burdensome especially by smaller Probation Areas and the information returned by the centre lacks sufficient analysis and detail for it to be as useful locally as it could be.'⁵³

Service delivery

The Offender Management Model (OMM), introduced in 2006, assumes that one offender manager will be responsible for an offender throughout the order. Clearly to meet the assumption of a single offender manager this depends upon a stable workforce in order. However, as we have seen, staff are stretched tightly in order to meet a plethora of demands. The National Audit Office comments on frequent changes of offender manager in its survey – something which goes against the grain of the OMM approach. How much of this change is due to staff sickness or rapid turnover of practitioners we cannot say. Services experiencing difficulties may also perceive a disproportionate disadvantage in that the budget allocated for rolling out the OMM phases two and three was £3.7 million compared with £10.17 million spent on consultants by NOMS.⁵⁴

There is also a considerable waiting time in many areas for offenders to commence various elements of their order, such as participation in an accredited programme. If resources become more scarce owing to budgetary

⁵³ National Audit Office (2008), The Supervision of Community Orders in England and Wales.

⁵⁴ Hansard, 30 January 2008: Column 495W; Hansard, 17 Jan 2008: Column 1433W.

requirements, waiting times could be made worse. For example, it has been noted that the maximum waiting period for offenders to start the integrated domestic violence programme has varied from 33 and 208 weeks for different probation areas.⁵⁵ The National Audit Office found that only 41 per cent of offenders who were due to start accredited programmes did so within the national standard of six weeks⁵⁶.

High costs associated with approved premises also are forcing areas to consider the best way of staffing them; these establishments provide places for serious offenders and any reductions in staffing levels may jeopardise public safety.

The type of provisions available to meet sentencers' aims in making community orders with particular conditions vary from area to area. Accordingly, the costs of some elements may vary considerably, with a concomitant impact on an area's budget.

It is clear that, without additional financial resources, many areas will experience increasing difficulty in delivering services which both are effective and which also meet the aims of sentencers.

Practitioners' time: an uncosted resource

In preparing this report, we have identified a resource which the probation service draws upon, but which is not costed in budgets, nor indeed paid for. This is the issue of unpaid staff time. One of the authors carried out a small-scale piece of research into workload management by practitioners while working as a probation service researcher. The survey, carried out in 2004, was particularly focused upon how staff managed their work.⁵⁷ However, one finding from the study was the large number of hours staff were working above those stipulated in their contract. All staff interviewed referred to taking work home, working late or even coming in to the office at weekends in order to keep on top of – or at least balance – their workload. In a visit to one probation area in 2008, the same researcher spoke with a number of practitioners and, once more, those interviewed described working much longer hours than stipulated in their contracts. Reasons for this included:

- A desire to make sure necessary administration and recording is completed
- A professional pride in getting the job done
- The need to work longer hours because it is impossible to work effectively with the volume of offenders without doing so

Estimates of time vary but the most common answer was that an extra hour a day was normal. Some spoke of themselves or colleagues working at weekends 'when the office is quiet' to catch up on admin or to write reports. It is tempting to say that this time is based on goodwill, but some practitioners were working extra hours with very little sense of goodwill toward their employers; they felt that their efforts were necessary to maintain a

⁵⁵ Hansard, 26 Feb 2008: Column 1494W.

⁵⁶ National Audit Office, *The Supervision of Community Orders in England and Wales*.

⁵⁷ Oldfield, M. (2004), 'Staff views on workload management in Kent Probation Area, unpublished paper.

professional service. Clearly, the more demands that are made on practitioners and the more stressful their working lives become, some of their motivation for what is essentially working in their own time may be eroded. It is interesting to consider the amount of time that this unpaid work may involve. If we conservatively estimate that each maingrade officer works a minimum of an extra five hours each week, for the 5,900 qualified officers in post in 2006, this represents some 29,820 unpaid hours a week.

Prospects for effective working

Overall, the probation service has achieved a great deal that has been asked of it during a period of turbulent change. Its working practices have altered significantly in terms of the complexity of work and it has met the challenge in the context of financial constraints and increasing demands. How long and to what extent it can continue to achieve its duties in the face of the problems, which, as we have noted, have been expressed in particular at board level, remains a major question. A period of stability – in financial, policy and operational terms – would be beneficial. However, given events since the creation of the national service, this seems highly unlikely.

Chapter 5: Main findings

Overall, since the creation of the NPS, there has been almost constant change, to the point of disruption at times, in the work of supervising offenders. Probation staff have continued to deliver their services to a growing and more complex caseload, taking on board a plethora of new tasks and work practices. At the same time, scarce resources have been committed to creating a market to enable others to compete with their services. Probation areas must secure trust status within the next two years or face the prospect of their work being put out to competitive tender. The issue of competition has been raised further by the announcement of the consultation exercise on the use of the Best Value model in probation. This brings nearer the likelihood of a market for offender management services and places yet more pressure on probation areas, many of which, as we have seen, are struggling to cope.

While resources have increased over the last few years, these resources have not been adequate to address the financial problems of the probation service. Since the creation of the NPS in April 2001, expenditure on the probation service has increased by 21 per cent between 2001-2002 and 2006-2007, based on 2006-2007 prices. This is a considerable sum of money, yet the report by the PBA provides compelling evidence that many areas are struggling to deliver services and, importantly, are having to plan how to actively reduce their workforce if their financial position remains unaddressed by the next budget allocation.

Service delivery is at present being carried out against a background of potential job losses, frozen vacancies and recruitment, raising concerns about public safety. It has been noted for some years that that probation caseloads have 'silted up' with large numbers of lower-risk offenders in a similar manner to the increase in the prison population. The problems encountered by many probation areas have led to them seeking ways to manage their workload. The danger here is that such moves may lead to delays or failures in meeting the sentencing intentions of the courts. We have noted earlier the National Audit Office finding that just 41 per cent of the cases it studied started their accredited programmes within the time set out by National Standards. If public safety is compromised by a lack of resources, this has the potential to cause considerable damage to the reputation of the probation service and to the criminal justice system more widely.

In terms of its workload, the probation service's caseload has grown by almost a quarter, while new work has increased by about a tenth. Overall, numbers of operational staff have increased by 37 per cent. However, this increase masks the fact that the core of maingrade officers who take responsibility for many of the key decisions in individual cases has fallen by 9 per cent since 2002. In contrast, large increases have been made in strengthening managerial and support resources. The numbers of senior managers have increased overall by 70 per cent while probation services officers have grown by 77 per cent. Staff are working with more cases with constrained resources. The ratio of offenders to maingrade officers has increased by 35 per cent while the ratio of offenders to all frontline staff, including probation services officers, has increased marginally by 1 per cent. Probation officers supervise

caseloads which are, on average, much larger than practitioners in youth offending teams.

At present probation areas are being forced to plan to make reductions in staff, yet the fall in the numbers of professionally trained practitioners over the last five years is a worrying trend. Taking into account the number of trainees, this important staff group has shrunk – even though probation caseloads have increased to record levels, with the courts making more community sentences than ever before. It is true that the number of probation services officers has increased dramatically but qualified probation officers surely remain at the heart of effective work with offenders.

Changes in organisation and working practice have imposed a variety of workload costs on the frontline professionals as well as on managers. Changes in assessment, for example, have systematically affected the time needed to complete this work and have therefore added to practitioners' workloads. Moreover, there has been a rise of 158 per cent in accredited programme completions since 2002-2003. This growing workload may go some way to explaining why sickness levels are higher in the NPS than in other public sector organisations. However, despite the stresses felt by many staff, practitioners are voluntarily committing additional hours in order to meet the demands made on them.

Probation areas face a new set of concerns following the passing of the Offender Management Act 2007. The need to qualify for trust status means that services will have to meet the necessary criteria at the latest by 2010. Should they not do so, they face the possibility of their work being opened up to other agencies or organisations. If services are to achieve this, they will find their task all the more difficult if they are handicapped by the lack of resources which has affected the service over the last few years. While addressing this, they must now also consider and digest the implications of the Best Value model.

Probation areas have been confronting unprecedented financial strictures that threaten to compromise their ability to deliver the sentences the courts hand down to offenders. The announcement of £40 million of extra money by the Secretary of State for Justice in order to increase the use of community orders as an alternative to short custodial sentences is a welcome move, especially if it is targeted at the financial problems which beset many probation areas. If these problems are addressed, the benefits of an adequately resourced probation service will contribute toward the realisation of Lord Carter's vision:

'[It is] the role of the government to ensure that the resources available are effectively targeted to allow for the purposes of sentencing,³ including the punishment of offenders and the reduction of re-offending, to be achieved either in the community or in a safe, decent and humane penal environment.'⁵⁸

⁵⁸ Carter P. (2007), *Securing the Future. Proposals for the Efficient and Sustainable Use of Custody in England and Wales.*

However, the sum of £40 million amounts to around £1 million for each area, and the impact of the extra money is difficult to forecast for a number of important reasons.

There is no satisfactory means for evaluating the relationship between changes in budget allocation and the increase in workload within the probation service. The formula which has been used to allocate budgets is considered 'not fit for purpose' by many probation boards. Although the amount of work probation services are expected to carry out is set out in service level agreements between boards and the centre, demands for services come from the courts and these have frequently entailed work which exceeded that in these agreements. The control exercised from the centre over probation budgets has not encouraged financial flexibility and has left boards unable to carry out medium- or long-term planning that would better enable them to deal with their rising workload.

Fortunately, the announcement of new money and the consultation about Best Value could provide a unique opportunity for a new phase of open public dialogue and discussion in order to resolve the structural problems that bedevil financial allocations and planning. In particular, the role of the courts cannot be ignored. In addition, the concept of Best Value can only be implemented effectively in settings where both the costs and outcomes of work have been fully and objectively assessed, and the drivers of workload change are properly understood. Our report confirms a deficit in such evidence, which all the stakeholders should urgently consider before embarking on the initial Best Value service review process. If the present study contributes to the information base for that discussion, it will have achieved its principal purpose.

Glossary of acronyms and terms

ACO – assistant chief officer (senior management staff post)

Accredited programmes – interventions designed to address specific types of offending behaviour such as violent or sexual offending. Programmes are accredited by an accreditation panel consisting of a number of experts, largely psychologists.

Approved premises – formerly known as probation hostels. Accommodation managed by probation areas or voluntary organisations for offenders or bailees posing a high or high risk of harm

C-NOMIS – a computerised system for managing information about offenders

Community orders – Under the Criminal Justice Act 2003, from 5 April 2005, courts may sentence offenders to a community order with a range of possible requirements. Courts are able to choose these elements to tailor the community order to a particular offender and the crime(s) they committed.

Requirements may include:

- Compulsory (unpaid) work
- Participation in any specified activities
- Programmes aimed at changing offending behaviour
- Prohibition from certain activities
- Curfew
- Exclusion from certain areas
- Requirement to reside in Approved Premises
- Mental health treatment (with consent of the offender)
- Drug treatment and testing (with consent of the offender)
- Alcohol treatment (with consent of the offender);
- Supervision
- Attendance Centre

DCO – deputy chief officer

DRRs – Drug Rehabilitation Requirement replaced the Drug Testing and Treatment Order (DTTO). DRRs aim to provide offenders with treatment aimed at reducing or eliminating their misuse of drugs, involving co-operative work between probation and treatment providers.

HMCIP – Her Majesty's Chief Inspector of Probation

Main grade probation officers – probation practitioners holding, or training for, the Diploma in Probation Studies, the professional qualification which confers probation officer status. These staff are generally directly involved in offender management: assessing and referring offenders to necessary programmes and services and monitoring the risk posed to the public by the offenders they supervise.

MAPPA – Multi-Agency Public Protection Arrangements, a framework through which various agencies, including probation, work together to reduce the risk of violent and sexual offenders

MOJ – Ministry of Justice, a government department with lead responsibility for criminal law, sentencing, the National Offender Management Service (NOMS) and youth justice.

National Standards -first introduced into probation in 1989, National Standards set out time limits within which cases are allocated, given a first appointment, and assessed, as well as stipulating levels of contact and setting out the boundaries of non-compliance or unacceptable behaviour which will trigger breach action and a return to court.

NAO – National Audit Office. Independent of government, the National Audit Office scrutinises public spending on behalf of parliament.

NAPO – Trade Union and Professional Association for Family Court and Probation Staff

NOMS – National Offender Management Service

NPD – the National Probation Directorate was the central management structure of the National Probation Service from April 2001 onwards. It is now incorporated into NOMS.

NPS – National Probation Service, created in April 2001

Nsmart – a tool for collecting data on National Standards compliance by probation areas. Each area carries out a reading of files once a month.

OAsys – Offender Assessment System, a highly detailed, lengthy assessment questionnaire used to assess levels of risk and need of offenders

Offender Management Model (OMM) – a framework created by the National Offender Management Service which sets out the way in which the various elements of a community order will be organised and resources delivered. Within the model, offenders are ‘tiered’ into four levels according to risk and need.

PBA – Probation Boards’ Association (since 1 April 2008, the Probation Association), the national employers’ organisation for probation in England and Wales

Probation board – body responsible for delivering probation services in a probation area and the employment of probation staff

Probation trust – a new probation body replacing probation boards. Trusts will have greater independence from the centre but are relieved of their statutory duty to provide probation services, instead becoming one of a number of possible providers.

PSO – probation services officers. PSOs do not hold a professional qualification. They are involved across a wide range of activities including the supervision of offenders, preparing reports and various support services.

PSR – pre-sentence report, a report prepared at the courts’ request assessing the reasons for a person’s offending, and proposing actions to be taken to reduce the risk of further offending

SSR – specific sentence report, a report prepared on the same day, assessing the reasons for a person’s offending, and proposing actions to be taken to reduce the risk of further offending

TPO – trainee probation officers. TPOs are staff currently studying for the degree in probation studies. They maintain their academic studies while also working with offenders.

Workload Measurement Tool – a calculative tool designed to allocate cases to staff to restrict their workload within defined limits. Various types of case are assigned a weighting according to indicative timing and complexity. The tool does not measure unit costs.

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