

PROBATION TRUSTS IN PARTNERSHIP: The new local performance context

Update No. 1

November 2009

In a Discussion Paper published in July 2009, the Probation Association set out a compelling case for a radical change in the way performance targets are set for probation boards and trusts and asked for feedback from members and stakeholders.

Responses received from Government departments, our members and a wide range of stakeholders were unanimous in their support for the broad thrust of the paper and served to underwrite the urgent need to realign probation performance with National Indicators supporting core probation functions of reducing reoffending and protecting the public within a local context.

This paper has two purposes:

- To provide a summary of responses to the initial paper and an analysis of their content
- To make recommendations to our members and outline Association plans for the next steps in negotiating new, local lines of accountability

This paper will be posted on the Association website www.probationassociation.co.uk.

PROBATION
association

The Voice of Probation Employers

83 Victoria Street
London SW1H 0HW
Tel: (020) 003 7930

Email: association@probationassociation.co.uk

Recommendations

- 1** If not already in progress, boards and trusts should introduce a process of awareness raising for members and staff on the implications of legislative responsibilities, strategies for compliance and area policy and practice adaptations towards a “localism” agenda which will include alignment with relevant outcome National Indicators from April 2011.
- 2** Boards and trusts should produce a Position Statement or Statement of Intent (or similar document) for communication to all relevant stakeholders, such as Local Authority Chief Executives, heads of other “Responsible Authorities” and Chairs of Local Strategic Partnerships and Crime and Disorder Reduction Partnerships to reflect the status, from April 2010, of probation boards and trusts as new “Responsible Authorities” under the Crime and Disorder Act 1998 (as amended by the Policing and Crime Bill) and to outline their strategic approach.
- 3** In drafting 2010/11 Business Plans, probation boards and trusts should substantiate the links between all relevant Local Area Agreement improvement targets related to probation business planning and performance management processes. This “expectation” is deemed as giving substance to the “having regard to...” duty on a Probation Trust as a “Statutory Partner” in Local Area Agreements (set out in paragraph 6.2 of Section 5 of the *Creating Strong, Safe and Prosperous Communities - Statutory Guidance*. See **Essential Further Reading** on page 6 of this Update).

Summary

Positive responses to the Probation Association Discussion Paper [Probation Trusts in Partnerships](#) have been received from:

- Justice Minister Maria Eagle MP
- Helen Edwards, Director General of Criminal Justice, Ministry of Justice
- Michael Spurr, Chief Operating Officer of the National Offender Management Service (NOMS)
- Chairs and Chief Officers/ Executives of probation boards and trusts
- Home Office Local Delivery Directorate
- Audit Commission
- Department of Communities and Local Government (DCLG)
- H.M. Inspectorate of Probation
- Local Government Association (LGA)
- Local Government Information Unit (LGiU)

Their comments reinforce our proposed direction of travel. The opportunity presented to boards and trusts to “think strategically, act locally” is uniformly welcomed. A vision of alignment with local performance frameworks, and performance measured against National Indicators from 2011 (in England) is firmly underwritten.

Examples of Feedback

The LAA policy lead in the Home Office Local Delivery Directorate, underwriting key policy drivers, commented that many of the recommendations in the paper fit well with other thinking around local delivery and Total Place (a Government initiative to map flows of public spending in local areas and make links between services to identify where public money can be spent more effectively). In particular:

- A focus on doing **The Right Things** (focusing on effective outcomes), as opposed to **Doing Things Right** (focusing on hitting targets), is likely to be one of the key criteria for the design of the next generation Local Area Agreement (LAA) model

- The need to strengthen horizontal accountability at local level (in this case between trusts and local authorities) is a key theme of the Department for Communities and Local Government’s [Strengthening Local Democracy](#) consultation
- Reducing the burden on probation boards and trusts through better use of the Collect Once Use Numerous Times (COUNT) approach and closer alignment of performance frameworks is in line with the recommendations of Sir Michael Bichard in the [Operational Efficiency Programme Final Report](#)

The Department of Communities and Local Government (DCLG) lead on LAA policy comments:

“ The document captures the Local Performance Framework well and highlights all important blocks. I absolutely agree with the direction the paper proposes of further alignment between existing frameworks to lessen the bureaucratic burden on the front line staff, i.e. local authorities and their partners as per recommendations in the Local Incentives and Empowerment report by Sir Michael Bichard. This is particularly important at the time when the Government and public sector are looking to make greater savings through efficiency. ”

Comments from the **Head of Centre for Service Transformation, Local Government Information Unit** provide a fuller contextual critique of probation performance and anticipated scrutiny expectations on boards and trusts:

“ **Imperative not option** – your initiative in arguing the case for local coherence is very welcome, but it is of significant concern if any other avenue is seriously under consideration. The route you have articulated is not an option, it is an imperative. Over the past five years there has been a concerted effort across local and central government to remove the barriers of contradictory target setting and monitoring that benefit no-one and act as an active impediment to efficiency, productivity and performance

in local communities. Concern was so great at the incoherence created by lack of joined up thinking in Whitehall that an independent task force was set up to tackle this issue. The 'Lifting the Burdens Task Force' completed its work in November 2008. As a result of its work and the efforts of many others there has been a dramatic streamlining of performance management for local practitioners. The Home Office and Department of Health have been active participants in this action and practitioners on the ground have actively welcomed the impact of change. There is no adequate justification for performance frameworks that, through complexity and lack of coherence, divert scarce resource from tackling complex community issues into bureaucracy and duplication.

Necessity of partnership – partnership has been a reality of local delivery for more than ten years. It is deeply regrettable that probation services have not made a reliable contribution to local partnership delivery over that time, no doubt a feature of the frequent re-organisation and focus on national, rather than local, priorities. Given the challenges facing the probation service over the coming years, probation services must come to internalise the necessity of collaboration. Sir Ronnie Flanagan said "policing is too important to be left to the police". I would argue that the same is even more relevant for probation – they will never succeed without the constant support and contribution of the other agencies at the local level: housing, employment services, local businesses, health providers, child social services, and many more. Collaboration will improve with the statutory changes in the Policing and Crime Bill, but legislation does not itself deliver. Delivery needs daily interaction and relationships, and where practitioners do not see themselves as being driven by the same local needs these relationships are difficult to sustain. Other local actors, such as the police, have learned the hard way how constraints from the centre have impeded their ability to deliver. This is one of the reasons the Home Office is now

sweeping away its performance monitoring system and targets and replacing the entire structure with a single national target to complement the local targets set through the Local Area Agreement. Others have learned how to make partnership work – probation should not waste the opportunity to learn those lessons and put them into practice.

Scrutiny – a point of clarification – probation services will not only be subject to scrutiny through the legislation brought in with the Local Government and Public Involvement in Health Act 2007. These scrutiny powers relate only to the contribution of partners to the delivery of LAA targets. More intensive scrutiny powers were brought into effect on 30 April 2009 which gives local authorities the power to scrutinise Crime and Disorder Reduction Partnerships. This was legislated in the Police and Justice Act 2006 but not brought into force until this year, pending the conclusion of the Flanagan Review and subsequent Policing Green Paper. The powers to scrutinise CDRPs enable councillors to require partners to provide information, attending meetings and be questioned and make formal responses to recommendations. The powers only apply to the CDRP as a whole, but the changes to the role of probation in the CDRP will, with certainty, involve probation in more intensive engagement with scrutiny than in the context of the local area agreement. This creates a further imperative for probation to be able to account for its actions in the partnership coherently and with reference to common goals. ”

(Note: Some probation areas have already been scrutinised by local authority Overview and Scrutiny Committees in relation to National Indicators.)

H.M. Inspectorate of Probation, whilst expressing doubt about the possibility of producing reliable and accurate comparative "localised" crime reduction data, commented:

“ We note with interest your general argument that probation trusts should increasingly be measured in the future on the basis of their

contribution to local partnerships, at least as much as to a national framework. Furthermore, you make the very strong point that probation trusts should be doing the Right Thing, i.e. "identifying, assessing and managing high risk offenders and reducing reoffending". ”

Greater Manchester Probation Trust wrote:

“ The suggested approach in the paper provides a “Golden Thread” in probation work from the national direction through regional and local commissioning and local delivery. In this sense it stitches probation into the processes in which it currently invests but is as yet not always fully integrated and accepted as equal partners. In taking this approach it ensures that there will be a whole system response to work with offenders especially in view of the CDRP/Local Authority duty to “reduce re-offending”. It identifies that it is possible to perform well against targets but fail to deliver the essential purposes of probation - reducing crime, protecting the public and rehabilitating the offender. The suggested approach shows that the Probation Service may be freed from “doing things right” so as to focus on “doing the right things”. ”

Analysis

Probation engagement within local frameworks is inconsistent throughout England. Some areas are heavily investing in LAA/CDRP frameworks, targets and agreements, others less so. At the Local Government Association Crime and Community Safety Conference in Bristol on October 13/14, where the Association exhibited a stand, comments from councillors and CDRP officials strongly reinforced the impression that operationally, in many CDRP and LAA partnership arrangements, the contribution of front line and middle manager probation staff is substantial, influential and productive.

The Welsh Context

During the early years of the National Probation Service in Wales, the new and very different political and policy context within which the four Welsh Boards operated was not always reflected in Home Office (and other central government departments) planning or financing of probation activities in Wales.

Attempts at reconciling Home Office policy with Welsh Assembly Government approaches to social policy and “community safety” strategies sometimes identified tensions between Cardiff and London.

Recently however, a more realistic, sensitive and pragmatic approach has been evident from central government departments. In Wales, where Public Service Agreements and National Indicators do not apply, the Welsh Assembly Government is proposing from 2010 to introduce similar “local” partnership frameworks, albeit with different emphases and lines of accountability.

The Association will press for the integration and alignment of Probation Trusts in Wales with whatever indicators are designed for Welsh local authorities and for this to be addressed by NOMS as a separate and discrete **Made in Wales** work stream.

Negative observations of probation involvement surrounded the perceived lack of strategic engagement by senior management at decision-making tables and a lack of understanding of the role of boards and trusts.

Many delegates enquired what approach “probation” would be adopting from April 2010 when boards and trusts move from “co-operating body” to full “Responsible Authority” status under the Crime and Disorder Act 1998.

Notwithstanding the absence of national objectives or guidelines from both the National Probation Directorate or subsequently, NOMS, there are numerous examples from probation areas of the reputational and financial benefits of engagement with local partnerships and many areas are already well integrated into local LAA/CDRP frameworks. Probation Chief Officers/Executives point to the

potential for confusion as to what now constitutes “performance”. Many middle managers and front line staff in Local Delivery Units are now well versed in the CDRP/LAA framework yet are appraised against Integrated Probation Performance Framework (IPPF) criteria. The ambiguity inherent in facing in two directions is creating a sense of professional uncertainty.

Next Steps

The significance of the challenge for boards and trusts in moving from a one dimensional, vertical axis of accountability and performance framework to incorporate an additional, horizontal “local” axis of performance cannot be underestimated. Many boards and trusts are in an advanced state of preparedness (amber or green in performance traffic light terms) but some will require substantial investment and may well assess themselves as unprepared or “red” in relation to the localism agenda!

In order to ensure all boards and trusts are “fit for purpose” within this new performance environment - and to capitalise on the network of relationships established as a consequence of producing the Discussion Paper, the Association will work with NOMS and relevant stakeholders to develop options and models for successful trust alignment with the Local Performance Framework (LPF) from 2011, measured against a suite of revised National Indicators which accurately reflect core probation business i.e. **The Right Things**.

During the next few months the Association will consult with NOMS, members and stakeholders on a project plan to provide support to members to achieve alignment by the 2011 deadline. The project will be formally launched at a seminar in early February 2010 which Maria Eagle has agreed to attend. Features are likely to include advice and

information related to:

- Legal responsibilities
- Government policy requirements in relation to CDRPs, LAAs, Scrutiny, Strategic Assessments and National Indicators
- Information on MoJ and local performance criteria and National Standards
- Best practice examples
- Pooled budgets

The project will also aim to produce or provide:

- Access on a regional basis to specialised training in the “localism” agenda for Board members
- Checklists and model strategies against which trusts can develop and chart their progress
- Toolkits for development of best practice across a range of skills and activities
- Proposals to NOMS about the revision of the IPPF for 2010/11 and anticipated alignment from 2011/12 with the National Indicator Set which enable a sense of continuity, reduces the regulatory burden and focuses on capability and capacity issues for the post

At a meeting of the Council of the Probation Association on September 17, 2009, boards and trusts endorsed a proposal for a Trust Localism Strategy, based on the content of the Discussion Paper, aimed at facilitating the successful integration of all trusts into the local performance framework from April 2011. The next 18 months will therefore be critical, particularly for those boards and trusts whose current involvement in local partnership frameworks is limited.

2011 era

The Association will aim to actively contribute to the design of a suite of “hard” and “soft” indicators which underpin these high level drivers. These will support five recently proposed IPPF outcome “drivers” which stakeholders have agreed reflect the core business of trusts:

1. Reducing Reoffending
2. Public Protection
3. Victims Services
4. Value for Money
5. Effective Delivery of Services to Courts

Essential Further Reading

These links to documents and webpages provide the substance to Government policy with which trusts are expected to comply:

The 2008 Communities and Local Government document [Creating Strong, Safe and Prosperous Communities - Statutory Guidance](#) (441Kb) provides detailed minimum standards and expectations of how to engage in Crime and Disorder and Local Strategic Partnerships, Local Area Agreements, expected behaviours, scrutiny requirements and the roles and responsibilities of Responsible and Statutory Partner Authorities which now include probation trusts and boards (see Section 5 of the Statutory Guidance).

The NOMS/Ministry of Justice/Communities and Local Government guide [National Offender Management Service: The Crucial Role of the New Local Performance Framework](#) (532Kb)

The Home Office 2007 guide [Delivering Safer Communities: A Guide to Effective Partnerships](#) (4.2Mb)

The National Indicator Set introduced following the 2007 Comprehensive Spending Review is now an established feature of local performance and is *THE* framework for evaluating performance within Local Area Agreements. This link provides access to documents related to the Data Interchange Hub and the Handbook of Definitions. <http://www.communities.gov.uk/localgovernment/performanceframeworkpartnerships/nationalindicators/>

The Centre for Public Scrutiny document [Take Your Partners: Overview and scrutiny and the Comprehensive Area Assessment](#) (418Kb). The same site has a page on scrutiny relating to probation trusts [here](#).