
Lessons from New Zealand

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I was Chief Inspector of Probation until June 2011 of this year, and I have a perspective to offer on today's subject of Offender Engagement, based on the work that I was doing in New Zealand in a series of one-week episodes between April 2009 and February 2011. Probation in New Zealand is part of the Department of Corrections. The Community Probation Service (CPS) is a division run by a General Manager, reporting to the Chief Executive for the whole Corrections Department, covering both Probation and Prisons. Probation had undergone rapid expansion in the first few years of this century. This had been in order to provide a wide range of community sentences, and extension of parole supervision including the option of home detention by 24-hour electronically enforced curfew.

As in the UK, the intention of expanding Probation at that time was to alleviate pressure on the prison population, and this policy was similarly ineffective in doing so in New Zealand, for similar reasons, so both Prisons and Probation expanded alongside each other during the last decade – much as in the UK. But also in the same decade the credibility of Probation in New Zealand got called into question

increasingly, in particular following a few high profile cases of supervised offenders committing serious further offences. On each occasion the Department's response was always to tighten the procedures required of staff, specifying the new procedures to a high level of detail. This had an unfortunate consequence.

When New Zealand's Auditor General (perhaps roughly equivalent to the National Audit Office in this country) did an audit of a sample of cases in 2008 they found a disappointing level of staff non-compliance with departmental procedures - and this matter was made public in February 2009. At the time the National Party had just come to power the previous November, having criticised the performance of the previous Labour Government, over many years. They now had the problem of deciding what to do with the Correctional service they had inherited, and of which they had been so critical, and they asked New Zealand's State Services Commissioner (SSC) to advise them. He advised against sacking either the Chief Executive or the General Manager, but suggested establishing an 'Expert Panel' with three external members.

I was invited to be an external member of this Panel, to assess the problem and advise on a solution. So I spent 35 working days in New Zealand from April 2009 to February 2011, and also participated in some 20 or so video conferences. It was very apparent from my first week in New Zealand, from visiting a number of probation offices in different towns, as well as from the Panel meetings themselves, that the New Zealand Service had got itself into a knot: Managers had been issuing ever more detailed stringent procedures and processes in response to things going wrong - which in turn required weightier management in order to measure and manage compliance with those procedures. Both the Auditor General and the Probation Service itself had by default come to the view that the only way of measuring Probation performance was to measure compliance with their own procedures – yet the more procedures you have, the more opportunity there is for staff to miss getting them absolutely right. It's a vicious circle with no easy escape.

Although the three external members of the Expert Panel came from very different disciplines (I was the only Probation person), we could *all* see that Probation needed to redefine what it was trying to achieve. This included recognising that responsible officers needed to be able to *exercise individual judgement* in order to do the *right thing with the right individual in the right way at the right time*, and then be accountable for the decisions they had made.

Accordingly Probation embarked in September 2009 on a three year programme of “transformational change”*. There are two key foundation points for this transformational change:

First is acceptance of the idea that there are broadly *three measurable purposes* to Probation work, which you *ask staff to focus on achieving*:

- Compliance with (and/or enforcement of) the requirements of the court sentence or parole licence.
- Reduced likelihood of reoffending.
- Minimised risk of harm to others.

(See my separate discussion paper, with diagram – a ‘Discussion re Outcomes’ - that shows how these three key purposes of Probation supervision ‘cluster’: They are separate purposes, though they do overlap. Link: <http://www.justice.gov.uk/inspectors/hmi-probation/chief-inspector.htm>)

The second key foundation principle is that in order to achieve these purposes Probation staff do need to follow diligently some specific bottom line requirements (especially on compliance and enforcement). But beyond that staff will be required to exercise judgement for their work and be held accountable for that. This is seen as a major cultural shift - hence the term ‘transformational change’, and so it's not a quick fix. It is a move away from a *rule-book approach* towards *being held accountable for making good decisions*, as part of which there is a renewed emphasis on *evidence-based practice* in order to achieve the purpose of *reducing likelihood of reoffending*.

This New Zealand experience has obvious parallels with the NOMS Offender Engagement Programme - but it is worth noting that they started first, so there are a couple of New Zealand experiences worth noting. First, although – as in England and Wales – the great majority of practitioners warmly welcomed the new approach, there was a minority that had some mistrust of the new developments. This was not a surprise to me – indeed I was surprised that the staff group was not more apprehensive about having the security of their practice manual being taken away.

What took me more by surprise – and which perhaps I should have thought of earlier – was the effect on staff's record-keeping in practice. The logic of expecting staff to treat each case as a true individual, and within certain firm boundaries taking responsibility for individual judgements and decisions, is that the practitioner should evidence their thinking in their case records. Suddenly practitioners in New Zealand were being asked to show in their records *why* they had made particular decisions with each case. This was much more of a culture shock, because in the past your record just needed to show that you were carrying out the prescribed action for the case. Now they needed

to write fuller record entries, with more substantial content, and they found this transition harder than I expected.

The parallel is that both in New Zealand and in England and Wales the aim is to develop the scope for accountable professional judgement and to reduce the barriers to purposeful engagement with offenders.

In summary, I think that there are three incidental lessons from New Zealand worth noting here in England and Wales:

- 1) If you don't specify clearly your own definitions of success, someone else will do it for you – as the State Services Commission did when in their audit of cases they defined success in terms of adherence to the Department's procedures. Therefore please do adopt the Three Purposes of Probation I have advocated above.
- 2) Some staff will fear that you might do the dirty on them following a serious further offence, now that they are dependent on an assessment of the quality of their decision-making rather than on their adherence to specific procedures.
- 3) A new skill in writing concise and focused record entries needs to be developed so that staff can give account of their decisions and actions in a timely manner.

* Reference for New Zealand Probation's 'Change Programme 2009-12':

<http://www.corrections.govt.nz/news-and-publications/statutory-reports/business-improvement-initiatives/cps-change-programme-2009-2012.html>