

SUMMARY INFORMATION ON PROBATION IN ENGLAND AND WALES



General Information

- Number of inhabitants: 54.98 million at December 2009.¹
- Prison population rate per 100,000 inhabitants: 153.
- Link to Probation Service:
 - www.probation.homeoffice.gov.uk/output/Page1.asp (Probation Service);
 - www.justice.gov.uk/about/noms.htm (National Offender Management Service).
- Links to websites:
 - <http://probationassociation.co.uk/> (Probation Association);
 - www.probationchiefs.org/ (Probation Chiefs Association);
 - www.napo.org.uk/ (NAPO – The Trade Union and Professional Association for Family Court and Probation Staff);
 - www.justice.gov.uk/publications/prisonandprobation.htm/ (Home Office Probation Statistics);
 - www.crimeandjustice.org.uk/opus1756/Probation_Resources._Staffing_and_Workloads_2001-2008_revised_edition.pdf/ (Excellent summary of workload and resourcing in the Probation Service in England and Wales);
 - www.prisonersabroad.org.uk/ (Prisoners Abroad).
- Founding member of the CEP.

Characteristics of the Probation Service

- The National Probation Service for England and Wales (established in 2000) is a governmental Service, which falls under the authority of the Ministry of Justice (since May 2007). The Welsh Assembly Government (the devolved Government for Wales) does not have direct authority over the provision of Probation Services in Wales. This means that the Probation Service in Wales has to have close working relationships with the Welsh Assembly and its ministers.
- The National Probation Service is organized into Probation Trusts. Each Probation Trust has a Chief Officer and a Board who employ the staff. The Chief Officer is accountable for the expenditure within the area and is responsible for all operational performance issues and the advice provided to the Board on strategy and policy.

¹ International Centre for Prison Studies (2009), *Prison Brief for England and Wales*. London: King's College. Available online at: www.kcl.ac.uk/depsta/law/research/icps/worldbrief/

- In 2004 The National Offender Management Service (the NOMS) was created to enhance cooperation between the Prison Service and the Probation Service and because the Government wanted to encourage the private sector to be a major provider of probation work in the future. Through the use of commissioning and competition the Government believes that the Probation Service will deliver better value for money and will become more effective.
- Since the creation of the Youth Justice Board (YJB) and the Youth Offending Teams (YOTs) in 1998, the Probation Service deals mainly with adults. Most YOTs, however, include members of staff from the Probation Service.
- Volunteers support probation staff, although in recent years their use has become more specialised and incorporated into specific programmes providing mentoring and advice. SOVA (The Society of Voluntary Associates) was established in 1975 and this provides support for the use of volunteers with offenders through training, partnership projects and the promotion of best practice.
- A wide range of national and local organizations are involved in probation work. NOMS is anticipating that these organizations will play a greater role in the delivery of services to offenders. Offender Management remains the responsibility of probation staff although it is likely that the supervision of Unpaid Work will be done by a mixture of public, private and voluntary sector providers. The organizations assist mainly in the provision of interventions such as accommodation, training, employment, education, substance misuse and welfare issues. Some specialist agencies work directly with offenders, such as the Lucy Faithful Foundation (sex offenders), the Langley House Trust (hostel accommodation), the National Association for the Care and Resettlement of Offenders (employment, accommodation) and Turning Point (substance misuse).

Tasks

During the pre-trial phase, the Probation Service ensures that defendants who have been remanded on conditional bail in an Approved Premise comply with their requirements.² Prior to conviction, the Probation Service can provide verified information to the Crown Prosecution Service and the Courts to assist in decision making on bail. Although these schemes have been piloted extensively and found successful, the provision of such a service is very limited. Once guilt has been established, the Courts often request pre-sentence reports to assist with sentencing. The reports consist of an analysis of the offence, relevant information pertaining to the offender's criminal behavior and an assessment of the offender's risk of harm and re-offending. It should conclude with a clear and realistic proposal for sentence. The Probation Service supervises Community

² These were formerly known as Probation Hostels.

Orders which can contain up to twelve requirements including drug treatment, unpaid work, psychiatric treatment, residence restrictions, electronic monitoring etc. A small number of offenders are subject to Suspended Sentence Supervision Orders. With regard to aftercare, the Service theoretically offers help on a voluntary basis to those serving less than 12 months imprisonment. However, because of government policy this is no longer done except in very rare cases. Some probation areas in England and Wales have recognized the shortcomings of this policy and have sought to provide some help. In the West of Midlands region for instance, the four Probation Services established the Connect Project, which is aimed at offering support and advice to offenders serving short term sentences. This policy should be seen in the wider context of heavy cuts in resources for the Probation Service which have been applied since 2009-2010. This has been exacerbated by decisions to reallocate resources between areas which means that long term planning is difficult.

Number of staff in 2007³

| | |
|--------------------------------|--------------------|
| Senior Management | 612 |
| All operational staff | 18,247 |
| Frontline staff ⁴ | 14,654 |
| Administrative and other staff | 5,608 ⁵ |
| Total | 21,325 |

- Daily average number of offenders/clients dealt with: 146,700 court orders; 98,500 under pre/post sentence supervision and approximately 216,353 reports prepared for court in 2008. The number of new court orders made in 2008 was 164,873 and there were 47,482 commencements of pre/post release work.⁶

New developments

- The Probation Service in England and Wales prepares reports to assist the Courts in making decisions on the use of custodial and community orders. It supervises a range of non custodial sanctions designed to punish, rehabilitate, manage and resettle offenders into the community. The emergence of "end to end offender management" in recent years provides the framework for this work with a distinction made between offender management and interventions. The offender manager is responsible for assessment, the sentence plan, motivating the offender to engage with the interventions and evaluating progress.

³ Workforce profiles since 2003 have been based on "head counts" rather than full time equivalent posts which are likely to be lower.

⁴ Staff whose work is usually directly concerned with offenders.

⁵ Data from 2006.

⁶ NOMS Caseload Statistics (2008) table 1.2 and Probation Resources, Staffing and Workloads 2001-2008 published by NAPO.

The interventions are provided by a range of organisations including the Probation Service, other statutory agencies (e.g. drug services, employment advice) and voluntary organisations.

- The major change in the role of the Probation Service in recent years has been the increasing priority given to public protection and the management of dangerous offenders. Each area has a system – MAPPA (Multi Agency Public Protection Arrangements) – to ensure that agencies co-operate, share information and agree strategies to reduce the likelihood of offenders committing serious offences.
- Since May 2007 probation and police services are the responsibility of different government departments. The Probation Service falls under the authority of the Ministry of Justice, while police services and functions remain the remit of the Home Office whose remit resembles a continental Ministry of the Interior.
- The Offender Management Act 2007 replaced local Probation Boards with Probation Trusts. The new Trusts have more scope to develop policy at a local level, but they face competition from voluntary and private sector organisations in providing services for offenders. The government has agreed that offender management will remain within the public sector.
- Community Payback is a new way of providing community service. It invites local people to have their say on how offenders should make amends for the harm they have caused. It tries to demonstrate to the public the value of the work undertaken and the contribution that can be made to the social good by offenders. Community Payback has been brought to the attention of the public in April 2009. The Ministry of Justice invites the public to make online proposals for Community Payback projects via a website.⁷ Offenders are often required to wear identifying jackets so that the public can see them undertaking their work.

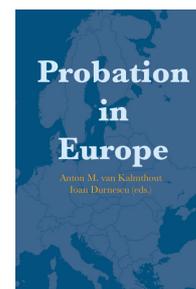
Probation during the different stages of the criminal procedure

| | Pre-Trial Phase | Trial and Enforcement Phase | Post Release Phase |
|--|------------------------|------------------------------------|---------------------------|
| Preparing a pre-sentence report | | x | |
| Supervision/assistance to pre-trial detainees | x | | |
| Supervising/organizing etc. community service | | x | |
| Supervising/organizing training or learning projects | | x | x |

⁷ www.direct.gov.uk/en/CrimeJusticeAndTheLaw/PrisonAndProbation/DG_182080

| | | | |
|--|---|----------------|----------------|
| Supervising etc. drug/alcohol treatment programs | | x | x |
| Supervising etc. electronic monitoring | | x | x ⁸ |
| Accredited programmes | | x | x |
| Residence in an approved hostel/other designated place | x | x | x |
| Exclusion from a specified place | | x | x |
| Mental Health Treatment | | x | x |
| Supervision | | x | x |
| Attendance Centre | | x ⁹ | |
| Pre-sentence report | x | | |
| Supervising etc. sanction of probation | | x | |
| Supervising etc. suspended sentence | | x | |
| Supervising etc. special measures for drugs addicts | | x | |
| Supervising etc. conditional release/parole | | | x |

This summary is based on the country chapter in the book *Probation in Europe*, the most comprehensive survey of probation systems and services in Europe today. If you wish to order it, please click [here](#).



⁸ Probation does not itself run Electronic Monitoring.

⁹ Although this exists, probation is often not involved in any way.