Managing Probation: Private v “Private”?

An independent study by

Andrew Bridges, Sally Lester & Andy Smith

November 2020

Commissioned by Suki Binning,
CEO, Kent, Surrey & Sussex Community Rehabilitation Company

Managing Probation: Private v "Private"?

By Andrew Bridges, Sally Lester, Andy Smith **November 2020**

A Research and analysis study by 3 former senior Probation Inspectors compares the experiences of staff and external partners working with a probation company before and after it passed from one owner to another – there was a substantial difference. Their findings also reflect the folly of how the contractual regime had been established nationally, and go on to suggest that the more customary debate about 'Public v Private' ownership of Probation is misdirected.

Part One: The Summary report

Introduction:

Our independent study was commissioned in June 2020 by Suki Binning, the Chief Executive of KSS CRC (the Kent, Surrey and Sussex Community Rehabilitation Company), to focus on the three CRCs that KSS acquired in Wales and South West England in February 2019, when the ownership of these CRCs passed from Working Links to Seetec (the owners of KSS). Our aim was to identify and analyse the differences that arose as a result of that change of ownership, and also from the further change to the Wales CRC in December 2019 when some of its work, and staff, were reintegrated back into National Probation Service Wales. The idea was that from an independent study of those two experiences of changing the organisation of Probation there could be useful learning about how to manage future changes in Probation or comparable services. This was relevant because of the prospective further national reorganisation of Probation in England due in 2021.

With this in mind we have set out our rationale, scope, presuppositions and methodology in some detail in the Main report. Our key presupposition is that the task of the managers of a Probation organisation such as a CRC is to make good individualised Probation practice more likely to happen.

Scope:

The scope of the analysis was necessarily imperfect, partly because it was still relatively soon after the change of ownership to be making confident conclusions about overall organisational performance, and in any case more obviously because of the huge impact of the Covid19 pandemic on Probation operations across the whole country from March 2020.

Nevertheless we were able, through the good offices of key KSS staff, to conduct a special survey that was open to all KSS staff of the Wales and SW CRCs, to interview a number of key 'external partners' of the CRCs, and to examine a range of data relating to the operational performance of the three CRCs before and after February 2019.

Findings from the 2020 KSS (SW & Wales) Staff Survey:

This Survey invited all staff of the South West and Wales divisions of KSS to respond to 22 pairs of Statements, plus two additional Statements. There were a further five Statements for Wales staff only. In each instance the respondent could 'score' from a dropdown menu running from '5' for Agree Strongly to '1' for Disagree Strongly, an established format known as a 'Likert' scale. The 22 'pairs of Statements' tasked for the respondents' viewpoints (a) "Before February 2019" – in past tense - and (b) "After February 2019", the date of the changeover to KSS – in present tense. Although there were various factors that may have made it difficult for many staff to respond, it was nevertheless disappointing that over a seven-week period only 10% of the possible c1,000 staff responded.

A fuller description of the results is given in the Main report, together also with all the separate individual Tables, technical information, plus the Survey form itself, in its Appendix.

Three Tables are provided for this Summary report.

Table 1 gives the mean average 'level of Agreement' with each of all the Statements in the Survey, expressed as a percentage. The method used in the 2019 Civil Service survey was used to calculate these figures, and the findings in that survey for the National Probation Service (NPS) staff provided some benchmarks for comparison.

KSS (SW & Wales) Staff Survey Summary Table 1: - 'percentage level of agreement'* with Statements

Statements (here abridged and combined for ease of reference):	Pre-KSS	NPS**	KSS
1. I felt/feel my workplace was/is 'happy'	37%		64%
2. I felt/feel a strong 'team spirit' in my unit	59%		68%
3. I felt/feel a strong 'team spirit' across the whole workforce	31%		59%
4. I felt/feel I was/am doing a worthwhile job	70%		80%
5. The Company help(ed) me feel I was/I'm doing a worthwhile job	41%		67%
6. Managers were/are constructive when I made/make a mistake	65%		74%
7. My job performance was/is evaluated fairly	52%	65%	65%
8. The Company's values were/are the right ones for Probation	33%	54%	74%
9. The Co: had/has developed a positive organisational culture	29%		71%
10. The Company's clear what it wanted/wants me to try to achieve	51%		72%
11. I'm positive re what the Co: was/is wanting me to try to achieve	40%		69%
12. I had the skills needed to start doing my job	77%		80%
13. When in post I've had the training opportunities I've needed	36%	57%	64%
14. My personal workload was/is OK	39%	48%	59%
15. My team's overall workload was/is OK	37%		61%
16. The work I did/do was/is well organised	42%		60%
17. Diversity: Company good at preventing improper disadvantage…	64%		74%
18. The office environment I need(ed) for my work was/is OK	51%		60%
19. The technology I need(ed) for my work was/is OK	47%		63%
20. Overall I had/have what I need(ed) to enable me to do my work	44%	64%	67%
21. My managers had/have a positive effect on the way I work(ed)	65%		76%
22. The Co: management was/is beneficial to our work w service users	29%		67%
23. Future: I'm confident I've the skills I need for transfer to the NPS			72%
24. Future: I expect that in 2021 my work then will be more satisfying			51%
W1. My post or work changed substantially after December 2019			50%
W2. I've preferred the work I've been doing since December 2019			64%
W3. For me, the Dec 2019 change brought minimum short-term extra work			58%
W4. For Wales CRC, I think the Dec 2019 changeover went smoothly***		26%	73%
W5. For Wales CRC, I think the work pattern since Dec 2019 is a better system			60%

*Full explanation of this and how it was calculated is in the main report. In short, the more a figure is over 50% the greater the strength of Agreement, while the further a figure is under 50% the greater the strength of Disagreement.

** Selected Statements strongly paralleled similar ones in the 2019 Civil Service Staff Survey, and so the 'scores' for those Statements from National Probation Service staff in that Survey are given here, as 'benchmarking' comparisons. But see below:

In the NPS (CS) survey, the similar question for this one was about the organisation's ***general ability to manage change.

NB: Response rate for NPS staff in the CS Survey was 67%; for this KSS Survey it was a disappointing 10%. So 'n'=99 respondents in total.

It is immediately obvious that with Statements 1-22 – the pairs – in every case the figure for KSS was higher than that for the earlier period. And where any Statement had a reasonable parallel with one from the Civil Service survey, the NPS figure came between the 'Pre-KSS' and the KSS figure.

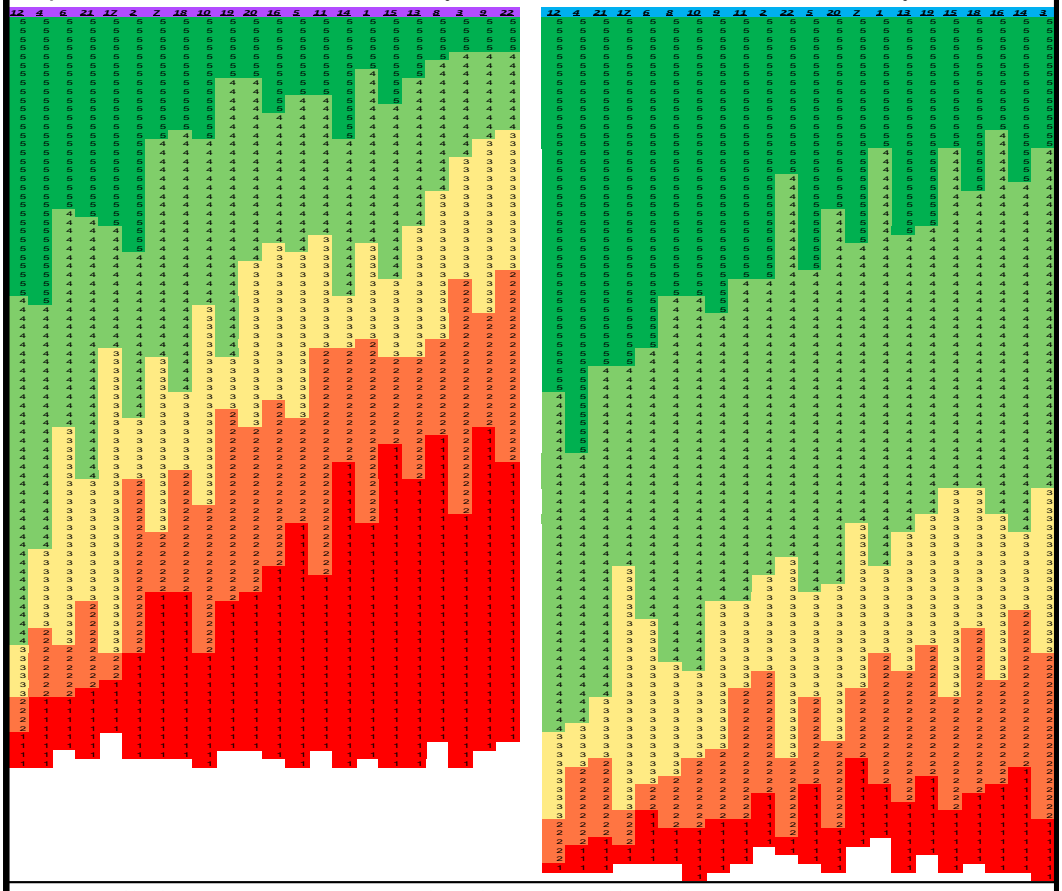
Although Table 1 captures concisely the headline average 'result' for every single question, it is also important to consider the distribution of the figures that go into those averages. That distribution is now shown in Table 2 below. The larger red area in the left section, the 'Before' section, and the larger green area in the right section, the 'After' section, do indeed confirm that the KSS figures were generally higher. But Table 2 also shows the minority viewpoints: for example, for every single Statement for 'Before 2019' there were at least four '5's (and often more), and for every single Statement for 'After 2019' there was at least one '1' (and often more).

In this way therefore, Table 2 shows not only the majority viewpoints but also the minority viewpoints that went against that majority, a point that is covered further in the main report.

KSS (SW & Wales) Staff Survey Summary Table 2: The 'Comparison' chart

Whereas Table 1 indicated the average (mean) 'levels of Agreement' for each Statement, this Table 2 shows directly the ***distribution*** of the 'scores' that respondents gave to each pair of Statements 1-22

Purple bar indicates 'Pre-KSS', i.e. Before February 2019 ***Blue bar indicates KSS, i.e. After February 2019***



'Scores' are 1(red) for Disagree Strongly, through 3(yellow) for 'neutral' to 5(green) for Agree Strongly. White spaces indicate 0s (zeros), effectively blanks, and therefore not included in <u>any</u> aggregate calculation. Almost certainly, 13 respondents had simply joined KSS after Feb 2019, while in addition some other respondents also left the occasional Statement blank too.

Therefore, for 'Pre-KSS' here, n=86 max; for KSS here, n=99 max.

Statements in each section have been sorted left to right by high-to-low aggregate 'scores'.

In this way, Table 2 conveys swiftly, and visually, the overall picture of higher 'scores' for the period after February 2019. It also shows for which individual Statements the figures were frequently high – and this was sometimes the case for both Before <u>and</u> After February 2019, e.g. for Statements Number 12 and 4. But for some of the other pairs of Statements there was more of a contrast between the 'scores' given by respondents, and this is demonstrated by Table 3.

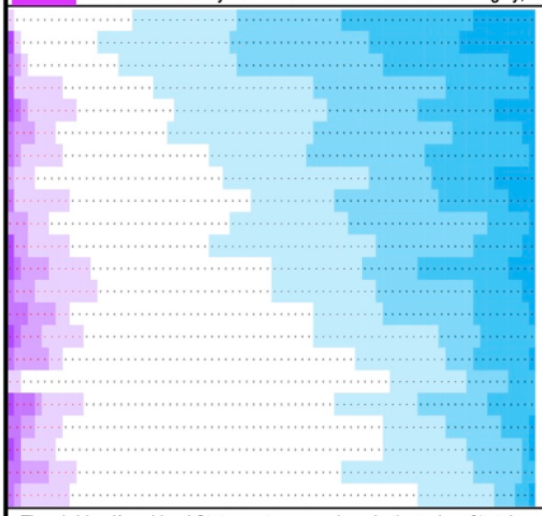
Table 3 shows the 'head-to-head' Difference, in aggregate, between the two 'scores' given for each of the individual pairs of Statements. The range of Difference could be up to a maximum of 4 in either direction (either '1' to '5', or '5' to '1'). It is notable that the KSS figures were, in aggregate, the higher for <u>every single</u> pair of Statements. Nevertheless, there were examples, too, in every single pair of Statements, of a particular individual respondent – not always the same person - 'scoring' the Pre-KSS period more highly.

Also, although Table 2 correctly shows that the aggregate figure for Statement 12 was quite high both for 'Pre-KSS' and for KSS, that Statement is at the bottom of Table 3 because the Difference between its 'Before' and 'After' figures was the smallest of all 22 paired Statements. Instead, Statements 8 and 9 are at the top of Table 3, being the Statements where there was the biggest aggregate <u>Difference</u> between the 'Pre-KSS' and KSS 'scores'.

KSS (SW & Wales) Staff Survey Summary Table 3: The 'Difference' Chart

Where Table 2 showed all the separate 'scores' for Statements 1-22 alongside each other, now Table 3 shows the Differences between the scores for each individual pair of Statements, head-to-head and aggregated.

shows where and by how much 'Pre-KSS' scored more highly, while shows where and by how much KSS scored more highly.



8. The Company's values were/are the right ones for Probation
9. The Co: had/has developed a positive organisational culture
22. The Co: managmnt was/is beneficial to our work w service users
3. I felt/feel a strong 'team spirit' across the whole workforce
13. When in post I've had the training opportunities I've needed
11. I'm positive re what the Co: was/is wanting me to try to achieve
1. I felt/feel my workplace was/is 'happy'
5. The Company help(ed) me feel I was/I'm doing a worthwhile job
15. My team's overall workload was/is OK
20. Overall I had/have what I need(ed) to enable me to do my work
10. The Company's clear what it wanted/wants me to try to achieve
14. My personal workload was/is OK
16. The work I did/do was/is well organised
19. The technology I need(ed) for my work was/is OK
21. My managers had/have a positive effect on the way I work(ed)
7. My job performance was/is evaluated fairly
17. Diversity: Company good at preventing improper disadvantage...
2. I felt/feel a strong 'team spirit' in my unit
18. The office environment I need(ed) for my work was/is OK
6. Managers were/are constructive when I made/make a mistake
4. I felt/feel I was/am doing a worthwhile job
12. I had the skills needed to start doing my job

The abridged/combined Statements appear here in the order of 'total aggregate magnitude' by which KSS scored more highly than 'Pre-KSS' - - i.e. the higher on the list, the bigger the total of the Difference in 'scores' for that pair of Statements. KSS scored more highly on all 22 pairs.

*13 of the 99 respondents had evidently joined KSS after the changeover. All their 'scores', plus any individual Statement scores by the other 86 in which either 'score' in any one pair was a 0, were of course excluded from this analysis. So 'n' = 86 respondents in total for this Table.

White space in this chart represents not a 'score' of 0, but rather the 'zero Difference' in any pair of Statements, e.g. a 2 for both Statements. The maximum possible Difference was by 4 in either direction; the 1 - 4 degrees of Difference are represented here by the four shades of each colour.

Observations:

The 'free text' comments by respondents in the Survey often helped to explain the individual's thinking. For example, several staff commented that although they had disliked the overall approach to the work taken by the 'Pre-KSS' owners, they had felt that they had a strong team ethos in their own local team, or perhaps their own specific line manager had been a very positive influence and help. Some other staff reported exceptionally disappointing experiences with various IT matters under KSS, and a few asserted that previously, under Working Links, IT had been managed better.

Findings from this Staff Survey:

The three Summary Tables suggest some 'lessons' and a main finding:

- Lessons: There are minority viewpoints – especially but not solely on Information Technology matters – that need to be taken seriously by KSS.
- Finding: On aggregate, these 99 self-selected respondents reported a markedly more positive experience and viewpoint from After the change of ownership to KSS in February 2019.

A full chart for each of all the 29 Statements can be found in the Appendix to the main report.

Findings from the 'external partner' interviews:

Broadly, the feedback we got from these interviews was also positive about their experience of working with KSS since February 2019, although these included some interesting qualifications and observations.

The NPS (National Probation Service) and PCC (Police & Crime Commissioner) representatives were both positive about the strategic links with them made by KSS, while several other representatives commented positively about the much better tone of the way that KSS communicated about the work - more understanding of Probation values and practice and more desire to do the right people-centred things. This contrasted with their perception that Working Links had been focused primarily on achieving targets and avoiding financial penalties. Union representatives reported that they found their dialogue with senior managers – often on difficult subjects – was now being conducted in a more constructive tone too. They felt that Seetec/KSS "understood" Probation, which they appreciated.

Additionally, all interviewees praised KSS handling of the Covid19 pandemic. The safety of staff and service users appeared to have been at the forefront, and flexibility introduced into service delivery, where this seemed to be in the best interests of those affected.

The main qualifications were examples of some weaker links at operational level – issues with some local projects, plus some issues concerning IT. However, there were also comments that where NPS and CRC staff were co-located, this tended to be beneficial to service delivery. A further interesting perception, from some contracted providers, was that in reality they had seen little change beyond the 'rebranding', since their own contract and its operations, as 'providers to' the CRC, had largely remained the same – such continuity being a benefit for them and their work.

On the other hand, as two of KSS's strategic partners pointed out, the fact that the CRCs had to continue to work to essentially the same contract to the MoJ (Ministry of Justice) was not necessarily beneficial; because KSS was still required to work to the same performance criteria, there was little scope for them to make substantial operational changes compared with their predecessors. We touch on this issue again in the Main report.

There also were apprehensions about the uncertain future now facing some staff, with the further national changes due in 2021, and concerns that with so much staff turnover, including the loss of many experienced practitioners, there would be a substantial training need for operational staff, especially on public protection matters.

Findings from the available data on performance:

Ultimately of course effective management is demonstrated by effective operational performance, a point that we explore at some length in the Main report.

In this Summary, we can condense our observations into two main themes:

The first is that for a combination of reasons it is difficult, and perhaps still inappropriate, to make any confident conclusions concerning improved performance - by any of the officially recognised criteria - since February 2019. We detail this in the Main report. Essentially, by a number of the relevant criteria, there were some promising indications of improved performance in these 3 CRC areas by December 2019, after which the effects of the Covid19 pandemic render comparisons largely inappropriate. But we also explain in the Main report the management actions and behaviours that we believe make effective Probation practice more likely to happen, and we identified some evidence of these.

Our second theme concerns some of those officially recognised success criteria themselves. The ones that draw our ire are the set of minimum contract specifications - formally Service Level measures and Assurance Metrics (SLs and AMs) - or more colloquially, the "monthly targets".

The relevance of this can be seen in those comments from external partners that KSS still had to work to the same targets, and also from some staff in their response to the Survey who while at first warmly welcoming the refreshing positive language and tone of their new owners, were then disappointed to find that they were still having to work to the same targets. Indeed these "monthly targets" carried the same potential for financial penalties for KSS as they had for KSS's predecessor.

We should add here that a key difference in the contract for KSS was that they had originally bid for a 'lower-risk' mix of 'risk and reward' in relation to the PbR (Payment by Results) element of the contract – a separate consideration that we discuss in the Main report. In our view, this gave KSS some room for manoeuvre, which they used to adopt a more patient and people-centred approach to managing their CRC. But KSS still had to meet the "monthly targets", as did all CRCs.

As we explain in the Main report, the SLs and AMs might look plausible at first sight as a possible means of ensuring that basic service standards are maintained, but it is a hopelessly misguided approach to commissioning Probation work. From within the Probation world there had been enough written in the 2000s about "Hitting the target and missing the point", while from the wider world of

organisational management there have been numerous accounts of the folly of using metrics badly as a way of measuring organisational performance (e.g. JZ Muller, *The Tyranny of Metrics* (2010) – though Muller also explains how metrics can be used well); all this means that this error was avoidable.

With the SLs and AMs, a number of quantifiable "things that we would like to see happen in most cases" have been elevated to the role of serving as 'proxy measures' for overall quality Probation practice, with 'Trigger' figures of up to 92% set for the achievement of some of them. The effect of requiring such monthly targets is to divert huge amounts of energy and attention by operational and management staff to focus on meeting them – was it 92% or only 91% this month? Such organisational energy spent on this could clearly be better spent on what one might reasonably assume to be the real main aim of Probation work: aiding the 'desistance journey' needing to be made by of each of the people under supervision by *doing the Right Thing with the Right Individual in the Right Way at the Right Time.*

Although we are not the first to make similar observations on the folly of targets such as these, we find it strange that this is often cited as if striving for the targets were demonstrating the mendacity of the commercial/private organisations – being 'only interested in profit'. We see the problem as being with the contract not the contractor. If you've defined 'success' the wrong way, you will - at best – get the wrong kind of success delivered, a case of 'getting the job done although it's the wrong kind of job'. At worst, you don't even get 'the wrong kind of success' delivered.

The customary wider debate in recent years has been about the 'ownership' of Probation, and it has largely been conducted by ideologues who argue strongly that either public ownership, or private ownership, or some other form of ownership, is the right way to go. To us, this seems to miss the point. As this study shows, one "private"* owner may well have good evidence to believe that they have been much better at managing their Probation service than their predecessor was – yet this is of limited value in achieving Probation's main aim while their contractual obligations remain wholly misguided. The analysis of whether one 'private' owner has shown itself to be better than another, and the debates about private v public ownership, are secondary issues.

Instead, the critically important issue is to define what Probation is intended to achieve – only then can decisions be properly made as to how it should be organised. Indeed, a sharply different, and clearly people-centred approach to managing Probation is now required. We touch on this too in our Conclusion to the Main report, and a further separate paper on that subject will be published shortly.

Conclusion:

But we conclude here by returning to the key question for this study. We aimed to assess whether the new management of these three CRCs since February 2019 – i.e. KSS -were behaving and acting in ways that might make such good individualised Probation practice more likely to happen than before. We certainly found lessons for KSS to take seriously concerning staff disappointment in a number of areas, notably over training and provision of IT. But overall:

- We found that promising progress has been achieved by KSS in Wales and in the south-west of England since February 2019 – tentative indications that its management's actions and behaviours are those that might indeed make good individualised Probation practice "more likely to happen".
- This became possible because, when they succeeded their predecessors, KSS made sure of a good advantage of their particular 'low risk' mix of 'risk and reward' in their contract with the MoJ – they took the opportunity to adopt a more patient and people-centred approach.

For now, with yet another national reorganisation of Probation work in prospect for 2021, we wish every success both collectively and individually to all the staff and managers of these three CRCs.

AMB/SL/AS November 2020

*We are aware that in January 2020 Seetec became an employee-owned company, but in the context of the contemporary debate it would still be regarded as a 'private' owner.

Managing Probation: Private v "Private"?

By Andrew Bridges, Sally Lester, Andy Smith

A Research and analysis study by 3 former senior Probation Inspectors compares the experiences of staff and external partners working with a probation company before and after it passed from one owner to another – there was a substantial difference. Their findings also reflect the folly of how the contractual regime had been established nationally, and also suggest that the more customary debate about 'Public v Private' ownership of Probation is misdirected.

[Part One, the Summary report, is on pages 1-6]

Part Two: the Main report

ONE. Introduction **8**

Origin and Purpose

Rationale and Pre-suppositions

Methodology

TWO. Primary Data: The 2020 KSS (SW & Wales) Staff Survey: **11**

Findings from the Staff Survey:

'Before' & 'After' (Statements 1-22)

Hopes and fears, all (Statements 23-24)

Wales-only (Statements W1-W5)

Staff comments and interviews

THREE: Primary Data: Interviews with 'external partners': **28**

Findings from these interviews

FOUR: Secondary Data: Available data on performance: **31**

1. ***"Payment by Results" (PbR):***
2. ***Minimum contract specifications, i.e. the "monthly targets"***
3. ***Probation practice – HMI Probation and internal reports***

FIVE: Another look: the Staff Survey data viewed by management 'theme' **40**

SIX: Conclusion: **47**

Appendices:

A brief discourse on assessing management effectiveness **49**

About the authors **60**

The Staff Survey results: all the 29 individual Charts, **61**

- **and the Staff Survey form itself**

ONE. Introduction:

Origin and purpose of the study:

On the 14 February 2019 the three CRCs (Community Rehabilitation Companies, 'probation companies' in plain English) covering western Britain experienced a major change in their management arrangements when Seetec replaced Working Links as their 'owner' and the three CRCs became part of KSS (Kent, Surrey and Sussex) CRC. One of the three, the Wales CRC-area, then experienced a further major change at the end of 2019 when a large part of its work, and workforce, was transferred back to the public service – NPS (National Probation Service) Wales. What differences did these changes make to the way those three former CRCs were managed? This study attempts to identify and analyse any differences that arose as a result those changes.

We were commissioned by Suki Binning, the Chief Executive of KSS, to undertake this independent study, largely so that lessons can be learned about managing future changes in the organisational arrangements of Probation and/or comparable services. We are grateful to key KSS staff, not only for their assistance in enabling us to obtain the necessary data, and 'road testing' the Survey, but also for their ready acceptance that our findings and conclusions by their nature must be independent.

Rationale of the study – its presuppositions and scope:

We presuppose that Probation organisations, both the NPS and CRCs, are – or were - paid by the public purse to supervise a succession of individuals who have offended, and should in our view be aiming to achieve three separate-but-overlapping purposes with each of them:[1]

i) make those individuals less likely to reoffend,
ii) implement the Court sentence (including any post-custodial licence), and
iii) minimise / contain any risk of harm they present to others.

To achieve this these organisations need each of their Probation practitioners to provide an 'individualised service', i.e. "Do the Right Thing[2] with the Right Individual in the Right Way at the Right Time" in order to achieve those three purposes with each case. More succinctly, this can be called 'effective Probation Practice' – without it the organisation cannot be a success. The task of the managers of a Probation organisation such as a CRC is therefore to make that effective Probation Practice more likely to happen[3]. Simple to say, difficult to do.

So ultimately, of course, the test of how well such an organisation is managed is demonstrated by the quality of that effective practice as carried out by its practitioners. However, there are two time lags before such a test can be fairly applied: the first one is the time needed for changes in management actions to start to affect how practitioners are working, and the second one is the time needed for changes in practitioner working to have an effect on how individuals are being supervised. It is therefore difficult to apply fairly such an 'ultimate test' within less than two years of a major management change in our view[4].

In 2020, of course, the additional complication in that potential line of inquiry is that since March 2020 the arrival of the Covid19 virus has meant a switch to the Exceptional Delivery Model (EDM) for frontline practice, i.e. a more constrained service. Therefore, there won't be a time in the near future when a new sample of frontline practice could be compared ***fairly*** with a pre-2019 sample.

For this study carried out in 2020, therefore, although we have been able to review a range of secondary data on 'performance', we have primarily had to focus on the management decisions, actions and behaviours themselves, as perceived by others. This is potentially problematic, since a

[1] These have been broadly the basis for HM Inspectorate of Probation's inspections since 2006
[2] The 'right thing' in the very broadest sense – interactions that aid the desistance journey being made by the supervised individual.
[3] And one key task of independent inspectors is to assess independently how often that happens.
[4] And you need much longer still if you want to measure and compare 'actual' reoffending or reconvictions…

clear causal connection between perceptions of specific management behaviours and effective Probation practice has not been conclusively established empirically, as we discuss later in our Appendix. (Indeed, on this point, we have noted that HMI Probation (the Inspectorate) has recently found itself awarding high scores to many Probation management teams, at the same time as awarding disappointing scores to Probation practice in the same areas.[5])

However, although it is probably unwise to be too definitive, we do feel able to assert from our academic studies and from our collective experience of both managing and inspecting Probation work for many years that certain management behaviours are very probably going to make effective Probation practice more likely to happen. Although we don't suggest that the management behaviours and actions we have highlighted should be adopted as some kind of definitive and exclusive description of effective management of Probation, we do say that there's good reason to associate them with good frontline Probation practice. They can be found in the academic literature, and more importantly they arise from our experiences as evidently successful senior managers in the Probation world in our own right, and from our substantial experiences of inspecting and reviewing Probation work across England and Wales, and through our various international Probation experiences too.

We have therefore referenced some of those key managerial behaviours and actions in section **FIVE** of our analysis of what was experienced by the CRC's staff and external partners. But we have in any case also done a separate analysis of those open-ended answers from our participants so that their views on what counts as effective management have been taken into account too, in section **TWO.**
We did not seek feedback from any "service users" themselves (the individuals under supervision) since the timing issues outlined above prevented us from directly examining current frontline practice ourselves – for that we only had access to the secondary data that was already available.

Productive managerial behaviours and actions – our further presuppositions:

The fuller discussion on the subject of Effective Management in the Appendix may shed more light on our thinking. But to summarise our viewpoint here, in our opinion and experience, the key managerial behaviours and actions that are more likely to enable good individualised Probation practice are to:

- **Define** what is to be achieved, and **Prescribe** that it must be achieved (i.e. there isn't a choice about 'how success will be defined').[6] For Probation, this can be captured by the three separate-but-overlapping purposes already mentioned. On the other hand, although effective managers will Prescribe ***what*** has to be achieved, they will by a variety of methods only **Advise *how*** it is to be achieved. It is for the practitioner to determine *how* the three purposes are to be achieved with each individual case they supervise, as the practitioner is usually the person best placed to decide the right course of individualised practice for each individual.
- Promote the **Desire** for staff to achieve that definition of success – for Probation, those three defined purposes. This is all about *growing that culture* whereby staff and managers actually want to achieve the same thing.[7]
- **Design** the work processes for staff and the organisation as a whole that enable the work to be done as efficiently and effectively as possible, from the day-to-day detail to the strategic management 'at the top'.[8]

[5] In its *2018/2019 inspections of probation services: summary report*, published October 2019, HM Inspectorate reported that of the 28 organisations (NPS regions and CRCs) inspected, three had been rated "Outstanding" for 'Leadership', of which all three had an overall rating of "Requires Improvement", principally due to disappointing case supervision scores. Of the other 18 organisations with the overall "Requires Improvement" rating, 14 had been rated "Good" for 'Leadership'.
[6] This can correctly be related to the broad principle of 'Management by Objectives' (MbO), but – please note – it should not be related to the shockingly bad ways in which MbO has sometimes been carried out in practice.
[7] Management literature often refers to "motivating/enthusing staff" or "securing staff buy-in", although we prefer to employ more 'organic' terms to characterise management's role in developing this.
[8] For example, the UK management consultancy Ad Esse deploys its 'Lean' methodology in much of its work to help public service and other organisations to streamline their 'work processes' and thus function more efficiently.

- **Deploy** for staff the physical and other tools they need to do the work efficiently and effectively – decent ICT hardware and software, office conditions etc[9] This also includes overall ***effective resource allocation*** – allocating the staffing and finances in a transparently credible way for the quantity of work that needs to be done.
- **Supervise** staff **positively**, both formally and informally. This also includes formal training and coaching, as well as structured bilateral and group meetings, feedback on performance, plus all the informal behaviours and actions that lead to staff having confidence and trust in their managers. When 'negative' action has to be taken by management, it should wherever possible be seen as reasoned and fair.[10]

With organisations constantly in transition, as ever, it would be remarkable for any organisation's management team to demonstrate all these behaviours and actions at the same time, both collectively and individually. But perhaps it should be possible to identify with some confidence which of these behaviours a management team is perceived to be showing in practice at any particular time. For this reason, we have used the broad criteria above as a framework for our 'Another Look' section that appears at the end of this Main report.

Methodology of the study:

As an inquiry, this study aimed to follow the PPDAC cycle: Problem, Plan, Data, Analysis and Conclusion.[11]

Problem – i.e. the two questions, potentially, in this case:

From the viewpoint of many of those involved, how far was the CRC management before February 2019 behaving and acting in ways that were likely to make effective practice more likely to happen, and how far was the management after February 2019 doing so? And (potentially) are there views about ways in which the December 2019 transition could have been managed better?

Plan:

We aimed to assess the perceived experience of the staff and some of the external partners of CRC management both before and after February 2019, and if there were changes in those experiences to assess the nature of those changes. For this purpose we would collect primary data ourselves, both quantitative and qualitative primary data, which we describe and analyse below. However, for any evidence concerning frontline practice during these two periods we would be reliant on secondary data.

We now describe and analyse the primary and secondary data that we collected.

[9] But NB: Yes, Herzberg's classic research showed that poor "working conditions" - something he called a "hygiene factor" - were a strong "dissatisfier", yet good working conditions were not in themselves a positive motivator: F Herzberg, "The motivation-hygiene theory", *Work and the Nature of Man* (World Publishing Company 1966), 71-91.

[10] For example, as long ago as 1961, R Likert wrote of 'The Principle of Supportive Relationships' (reproduced in DS Pugh, (ed). *Organizational Theory: Selected Readings* (Penguin, 1987), 293-316), and in recent years HMI Probation has published studies illustrating the importance and effectiveness of a positive individualised approach to supervising practitioners.

[11] A classic prescription for statistical inquiries – see e.g. David Spiegelhalter, *The Art of Statistics*, (Pelican, 2019), 13

TWO. Primary Data: The 2020 KSS (SW & Wales) Staff Survey:

Description:

We considered quantitative data to be very important, though they have their own advantages and disadvantages. A structured Survey for all the relevant staff was the key tool, although it is a method which also has potential pitfalls that must be avoided.[12] We needed the advantage of enabling some numerical 'measurement' of large numbers of viewpoints, while avoiding the potential risks from having respondents' views 'forced' into pre-set categories. We also knew we had to minimise any bias in the way that the Survey was worded, and keep unproductive excessive detail in it to a minimum too.

Accordingly, in our Staff Survey the 'questions' were all Statements each of which the respondent was invited to 'score' on a five-point Agree/Disagree scale - also sometimes known as a 'Likert' scale - using a dropdown menu. Leaving the box showing the zero meant either Decline to answer or Not applicable (which would mean that items so marked would not be included in any quantitative analysis). The same 'Likert' scale was used for all the Statements. Most Statements were then also followed by a free-text box that permitted any additional comment to be added by the respondent if they wished – this was our means of avoiding 'straitjacketing' whatever the staff might want to tell us.

Each of the first 22 Statements actually came as a pair of Statements – we were inviting respondents to 'score' once for their experience before the February 2019 change, and once more for after that change. The 'scoring' for the 'Before' and the 'After' element in each pair of such Statements could then be compared, and the Differences 'measured'[13].

Each Statement was a 'positive' statement. Most of them stated in positive terms an aspect of what effective management should look like, in our judgement, based on our experience of managing and inspecting Probation work over many years, as well as on wider academic study and research; a few simply stated a 'positive' frame of mind. It could conceivably be argued that the positive framing of each statement was 'leading' the respondent in a particular direction for their answer, and indeed it is sometimes argued that in such questionnaires the 'polarity' of the statements should be reversed periodically to prevent this. However, our view was that even if our pattern of consistently positive statements could be perceived as 'leading' - which we doubt - it would apply equally to the 'Before' and 'After' February 2019 elements of each pair of Statements. In that sense, any 'bias by leading with positive statements' would apply equally across the methodology and therefore would have a minimum of skewing effect.

There was a further technical issue potentially concerning our aim to be able to aggregate some of the responses into one or two 'overall' numerical ratings. A five-point 'Likert' scale is not strictly a 'ratio' scale.[14] In principle there is no specific 'unit of measurement' that can be aggregated. Yet in our context here, where in most cases essentially the same 'questions' were being applied twice, alongside each other, there was a clear common-sense validity in comparing each of those two sets of aggregate figures and overall patterns alongside each other. Each number has a valid meaning when compared with each other, in our view, even though it is not a specific independent unit of measurement.

Indeed, in 'real life', the annual Civil Service Staff Survey uses the Likert scale, and also explains in its report how the results are aggregated into a 'percentage level' of agreement with each of the statements.[15] It's a straightforward formula, which we have replicated in the way that we report our

[12] The principles of setting questions effectively was covered in the classic textbook by CA Moser & G Kalton, *Survey Methods in Social Investigation* (Aldershot: Gower, 1971 edition), 303-349

[13] NB In any instance where one element in any pair of Statements had been left at 0 [zero], that Statement was automatically excluded from any measure of Difference between Before and After, thereby avoiding a potential distortion. (Some respondents had simply not been employed by the company before Feb 2019, while some other respondents occasionally left individual Statements blank.)

[14] CA Moser & G Kalton, *Survey Methods in Social Investigation* (Aldershot: Gower, 1971 edition), 361-5

[15] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/867302/Civil-Service-People-Survey-2019-Technical-Guide.pdf p16-17. Accessed 25/8/20

own ‘percentage levels of Agreement’ with each Statement. This has also permitted us to ‘benchmark’ the findings from a few of the 2019 CS Survey statements alongside our own similar Statements for comparison purposes.

To return to the practicalities, in the Survey each individual member of staff was being invited to offer their personal experiences and opinions in response to the Statements both in the form of the five-point Agree/Disagree scale for each Statement and – if they wished – in most cases by typing free text into a box on the form. It was unfortunate that for practical reasons we were unable to offer the ideal option of the Survey as an ‘online’ document. But we ‘road-tested’ the Survey, and felt that opening a Word doc from an email, and clicking some dropdown menu choices, was not a much more demanding task than working through an online form. We expected that some of the staff responding would just do the dropdown options and no more, while others might have a lot to say. With this approach, our aim had been to accommodate a wide range of ways for individual staff to respond, while we retained the consistency of the ‘core’ elements for us to analyse quantitively. A qualitative review of the ‘free text’ responses would then add some richness to the quantitative analysis.

Staff Survey responses received:

All current staff of ‘DDC’ (Dorset, Devon & Cornwall), ‘BGSW’ (Bristol, Gloucestershire, Somerset and Wiltshire) and Wales ‘areas’ of KSS CRC were sent a Survey form (copy in Appendix) on 8 September 2020 and the eventual closing date for responses, after an extension, was 23 October. All responses received during that period were included in the analysis that follows.

Undoubtedly, there were many factors that may have made it difficult for staff to complete a response to the Survey. The effects of the Covid19 pandemic on everyone’s work pattern, plus the continuing difficulties over the provision of IT hardware reported by some, were just two examples. Nevertheless, we were disappointed that of the 1,000 forms sent out, 99 were received back, a response rate of 10%.
The breakdown of forms sent out over the three CRC areas was: 308 DDC, 475 BGSW, 217 Wales –
NB The Wales CRC staff were in 2020 just the residual portion after the “offender management” portion of staff had been reintegrated into NPS Wales in December 2019.
For forms received the breakdown was: 38 DDC (12%), 33 BGSW (7%), 28 Wales (13%).
With such a low response rate, we cannot describe our sample as representative, and can only use the term ‘self-selected’. We telephone-interviewed five of the few respondents who volunteered for this.

Staff were assured of their anonymity, except where they chose to disclose anything personal in the course of their ‘open text’ responses or interviews. But within the survey itself they were nevertheless invited to place themselves in certain limited categories of ‘identity’: role, race, gender, sexual orientation and disability status. The purpose of this was solely to identify any significant patterns in the aggregated responses. Since respondents always had the ‘Prefer not to say’ option available, the figures returned for these categories never add up to the 99 total:

Managers 33, “non-managers” 55; White 85, ’non-White’ (all) 5; Female 69, Male 22;
Gay/Lesbian [less than 5], Heterosexual 55; with a Disability 15; no Disability 70.

Turning now to the other sections of the survey, 28 forms were from Wales and these therefore were the main source of the responses in the final section that covered the December 2019 transition. But there were a further 5 Forms from the two SW areas where the respondent replied to some of the Wales Statements, presumably because some or all of their duties either currently, or had in the past, involved work in or with the Wales CRC. The ‘n’ number for the Wales Statements was therefore potentially 33, although in practice no individual Statement attracted more than 29 responses.

Meanwhile 13 respondents appear to be staff who were not with the CRC before February 2019, or alternatively they were individuals who chose not to say anything about that earlier period (the left-hand column in the earlier sections). Their responses don’t provide a comparison between Before and After February 2019. The ‘n’ number for ‘Before’ Statements is therefore 86.

Findings from the Staff Survey data:

Broadly, there were potentially going to be three groups of findings from the Staff Survey:

1. 'Before' v 'After': Staff experiences/opinions of working under the previous owning Company, directly compared with their experiences/opinions of working under the current owning Company (the pairs of Statements numbered 1-22 "Before" and "After" February 2019)
2. Some hopes and fears staff of all three areas had for the future (Statement Numbers 23-24)
3. Wales only: Staff experiences/opinions of the Dec 2019 change, plus their own hopes/fears for the future (Statement Numbers W1-W5)

However, first we have summarised the data from all 29 Statements into one single Table, with the additional inclusion of some 'benchmarking' figures. We have done this after referring to the 2019 Civil Service Staff Survey results, published online.[16] This annual survey sets all civil servants and related staff a battery of statements, using the same 5-point Agree/Disagree 'Likert' scale, and produces both overall results and also results by individual Departments and organisations within or associated with the Civil Service.

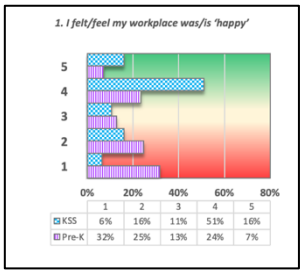
Although the purpose and context of our Survey and the CS Survey were largely different, a few 'questions' seemed sufficiently closely related to provide reasonably valid – or at least interesting – comparisons. So we added these to our Table 1, which hence now shows these benchmark figures from the National Probation Service staff in that CS Survey.

The Civil Service Survey results are in the form of aggregated "percent scores", using an approach which is explained clearly in the CS Guide[17] and is in fact fairly straightforward. We have used the same system[18] to arrive at aggregated "percent scores" for all our Statements in order to condense all our survey findings into our single Table 1, with the added benchmarks.

More generally, we have used colours to assist the visual presentation of all our Survey findings, and employed them in both our Summary charts and our individual charts for as many of the findings as possible, though we provide the relevant specific figures as well. We've used the same overall colour-scheme throughout, with a spectrum of green through yellow to red to indicate the spectrum from Strongly Agree to Strongly Disagree.

Each of the individual charts has the same shape, a bar chart with the bars going from left to right. The reader simply has to remember that '5' and '4' are levels of positive Agreement – in shades of green - while '1' and '2' indicate Disagreement, and are in shades of red. Pale yellow is neutral. These colours are in the background of every individual bar chart in this report, and are similarly employed in two of the Summary charts, which should help to highlight the nature of the figures provided.

The additional element in our colour scheme is that we use a light blue to refer to the regime under KSS, and a violet to refer to the "Pre-KSS" regime under Working Links. This means, for example, that in the individual bar charts the blue chequered bars show the 'After February 2019' aggregate 'scores', while the violet striped bars show the aggregate 'scores' for 'Before February 2019'.



This chart of Statement No: 1 is an example of an individual bar chart, of which the full set of 29 individual charts can be found in the Appendix.

These blue and violet colours are also particularly useful in Table 3, which we will discuss when we reach it further below.

We hope that the overall design of our charts will help to make our Findings as comprehensible as possible, without doing violence to the integrity of the data.

[16] https://www.gov.uk/government/publications/civil-service-people-survey-2019-results Accessed 25/8/20

[17] Civil Service Survey Technical Guide, same web address, pages 16-17

[18] Essentially, every 5 = 100%, 4 = 75%, 3 = 50%, 2 = 25%, 1 = 0%, (0s excluded of course) and a mean average is taken.

We now report each of the three groups of findings in turn:

1. 'Before' v 'After' (from the pairs of Statements numbered 1-22):

Summary Table 1, which also includes the later Statements too, provides our first look at a comparison between the 'Before' and the 'After' scores. Using the same methodology[19] as that of the 2019 Civil Service Staff Survey to calculate these figures, we show the aggregate 'percentage level of Agreement' with each 'half' of each of the first 22 pairs of Statements.

KSS (SW & Wales) Staff Survey Summary Table 1: - 'percentage level of agreement'* with Statements

Statements (here abridged and combined for ease of reference):	Pre-KSS	NPS**	KSS
1. I felt/feel my workplace was/is 'happy'	37%		64%
2. I felt/feel a strong 'team spirit' in my unit	59%		68%
3. I felt/feel a strong 'team spirit' across the whole workforce	31%		59%
4. I felt/feel I was/am doing a worthwhile job	70%		80%
5. The Company help(ed) me feel I was/I'm doing a worthwhile job	41%		67%
6. Managers were/are constructive when I made/make a mistake	65%		74%
7. My job performance was/is evaluated fairly	52%	65%	65%
8. The Company's values were/are the right ones for Probation	33%	54%	74%
9. The Co: had/has developed a positive organisational culture	29%		71%
10. The Company's clear what it wanted/wants me to try to achieve	51%		72%
11. I'm positive re what the Co: was/is wanting me to try to achieve	40%		69%
12. I had the skills needed to start doing my job	77%		80%
13. When in post I've had the training opportunities I've needed	36%	57%	64%
14. My personal workload was/is OK	39%	48%	59%
15. My team's overall workload was/is OK	37%		61%
16. The work I did/do was/is well organised	42%		60%
17. Diversity: Company good at preventing improper disadvantage...	64%		74%
18. The office environment I need(ed) for my work was/is OK	51%		60%
19. The technology I need(ed) for my work was/is OK	47%		63%
20. Overall I had/have what I need(ed) to enable me to do my work	44%	64%	67%
21. My managers had/have a positive effect on the way I work(ed)	65%		76%
22. The Co: management was/is beneficial to our work w service users	29%		67%
23. Future: I'm confident I've the skills I need for transfer to the NPS			72%
24. Future: I expect that in 2021 my work then will be more satisfying			51%
W1. My post or work changed substantially after December 2019			50%
W2. I've preferred the work I've been doing since December 2019			64%
W3. For me, the Dec 2019 change brought minimum short-term extra work			58%
W4. For Wales CRC, I think the Dec 2019 changeover went smoothly***		26%	73%
W5. For Wales CRC, I think the work pattern since Dec 2019 is a better system			60%

*Full explanation of this and how it was calculated is in the main report. In short, the more a figure is over 50% the greater the strength of Agreement, while the further a figure is under 50% the greater the strength of Disagreement.

** Selected Statements strongly paralleled similar ones in the 2019 Civil Service Staff Survey, and so the 'scores' for those Statements from National Probation Service staff in that Survey are given here, as 'benchmarking' comparisons. But see below:

In the NPS (CS) survey, the similar question for this one was about the organisation's ***general ability to manage change.

NB: Response rate for NPS staff in the CS Survey was 67%; for this KSS Survey it was a disappointing 10%. So 'n'=99 respondents in total.

[19] Essentially, every 5 = 100%, 4 = 75%, 3 = 50%, 2 = 25%, 1 = 0%, (0s excluded of course) and a mean average is taken.

It is immediately obvious that, with the pairs of Statements 1-22, in <u>every</u> case the figure for KSS was higher than that for the earlier period – i.e. the figure in the right-hand column is always higher than the corresponding figure in the left-hand column. Furthermore, in those instances where there is a Statement with a reasonable parallel with one from the Civil Service survey, it is also clear that the NPS figure came 'in between', i.e. higher than the 'Pre-KSS' figure and lower than the KSS figure.

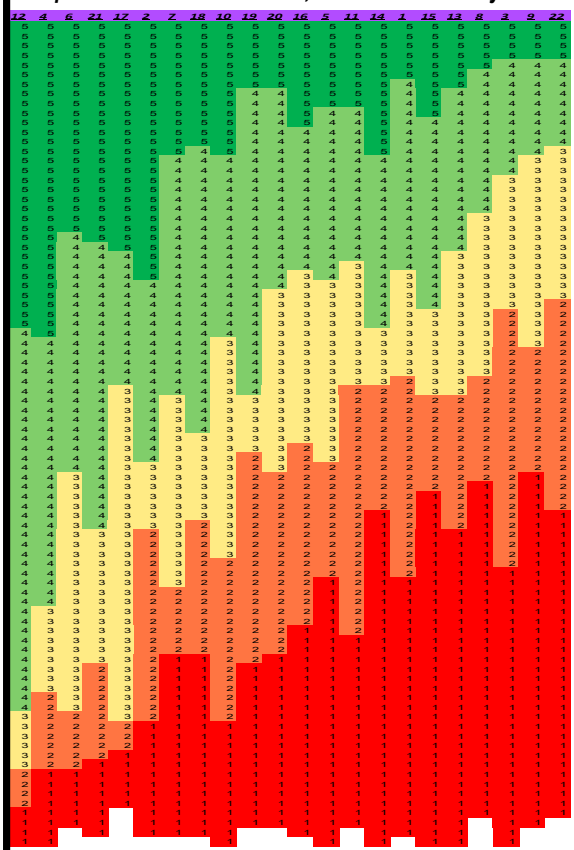
Overall, Table 1 provides a headline summary of the quantifiable results from the whole of our Survey. But it is worth exploring many of the details that lie 'inside' these headline numbers.

For although Table 1 captures concisely the headline average 'result' for every single question, it is also important to consider the *distribution* of the figures that go into those averages. That *distribution* is now shown in Table 2 below. The larger red area in the left section, the 'Before' section, and the larger green area in the right section, the 'After' section, do indeed confirm that the KSS figures were generally higher. But Table 2 also shows the minority viewpoints: for example, for every single Statement for 'Before 2019' there were at least four '5's (and often more), in green, and for every single Statement for 'After 2019' there was at least one '1' (and often more), in red.

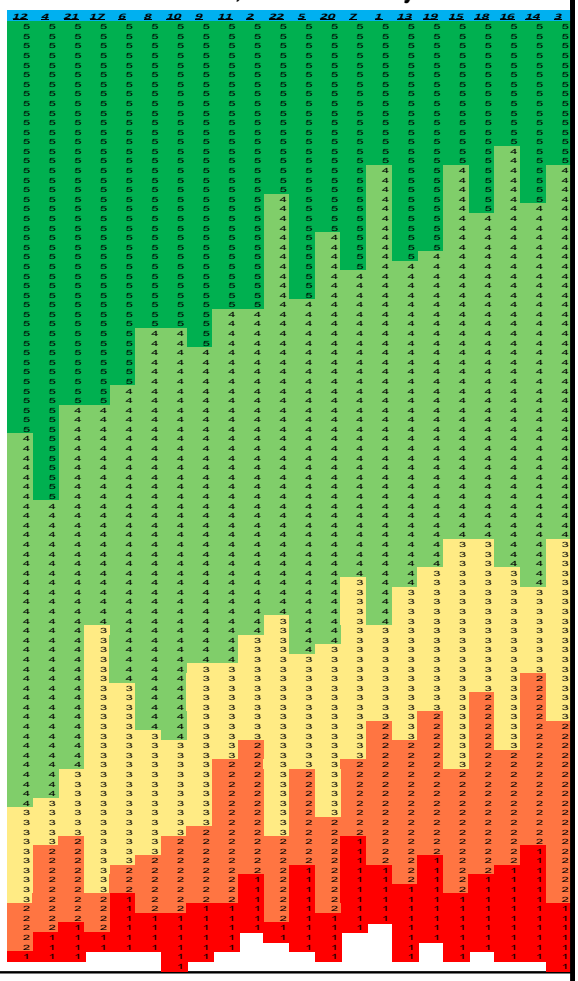
KSS (SW & Wales) Staff Survey Summary Table 2: The 'Comparison' chart

Whereas Table 1 indicated the average (mean) 'levels of Agreement' for each Statement, this Table 2 shows directly the ***distribution*** of the 'scores' that respondents gave to each pair of Statements 1-22

Purple bar indicates 'Pre-KSS', i.e. Before February 2019



Blue bar indicates KSS, i.e. After February 2019

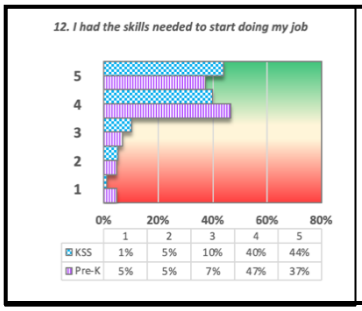


'Scores' are 1(red) for Disagree Strongly, through 3(yellow) for 'neutral' to 5(green) for Agree Strongly. White spaces indicate 0s (zeros), effectively blanks, and therefore not included in <u>any</u> aggregate calculation. Almost certainly, 13 respondents had simply joined KSS after Feb 2019, while in addition some other respondents also left the occasional Statement blank too.

Therefore, for 'Pre-KSS' here, n=86 max; for KSS here, n=99 max.

Statements in each section have been sorted left to right by high-to-low aggregate 'scores'.

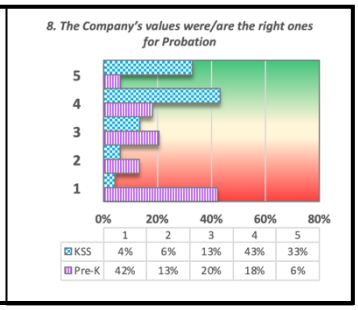
In this way, Table 2 conveys swiftly, and visually, the overall picture of higher 'scores' for the period after February 2019, while also showing the minority of 'contrary scores'. Because we have also sorted the Statements from left to right in each half of the chart by high-low order of aggregate scores this Table also shows for which individual Statements the figures were frequently high. Sometimes the aggregate 'scores' were high for the same Statement for both Before and After February 2019, e.g. for Statements Number 12 and 4. On the other hand, for some of the other pairs of Statements there was more of a contrast between the 'scores' given by respondents, for example Statements 8 and 9.



For Statement 12 on the left, the scores were high overall for both KSS and 'Pre-KSS'.

For Statement 8 on the right, the scores were high for KSS, but low for 'Pre-KSS'.

This illustrates the need for a further Table, to focus on the *Differences* between the 'Before' and 'After' scores within each pair of Statements, on a 'head-to-head' basis.



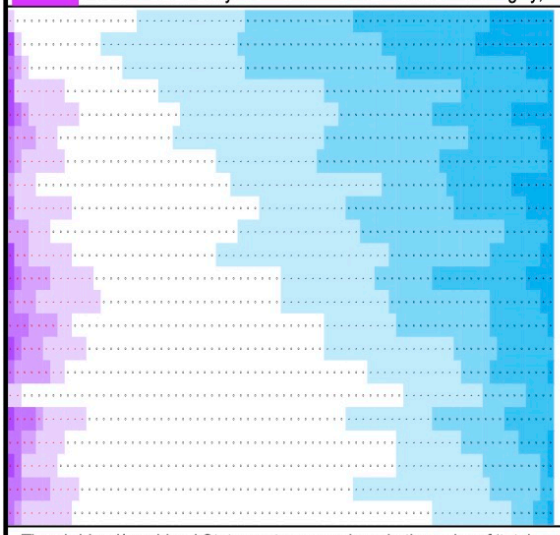
To meet this need, Table 3 shows the 'head-to-head' Difference, in aggregate, between the two 'scores' given for each of the individual pairs of Statements. The range of Difference could be up to a maximum of 4 in either direction (either '1' to '5' 'for' KSS, or '5' to '1' 'for' 'Pre-KSS'). Again the light blue is used for the 'After' regime of KSS, and the violet for the 'Before' regime of 'Pre-KSS'. The four shades of each colour reflect the number of individual '1's, '2's, '3's & '4's in each direction.

The Statements are now listed high to low in order of the aggregate 'total of Difference', so that Statement 8 is now at the top of the list, instead of Statement 12 as before. (Indeed Statement 12 is now at the bottom.)

KSS (SW & Wales) Staff Survey Summary Table 3: The 'Difference' Chart

Where Table 2 showed all the separate 'scores' for Statements 1-22 alongside each other, now Table 3 shows the Differences between the scores for each individual pair of Statements, head-to-head and aggregated.

shows where and by how much 'Pre-KSS' scored more highly, while shows where and by how much KSS scored more highly.



8. The Company's values were/are the right ones for Probation
9. The Co: had/has developed a positive organisational culture
22. The Co: managmnt was/is beneficial to our work w service users
3. I felt/feel a strong 'team spirit' across the whole workforce
13. When in post I've had the training opportunities I've needed
11. I'm positive re what the Co: was/is wanting me to try to achieve
1. I felt/feel my workplace was/is 'happy'
5. The Company help(ed) me feel I was/I'm doing a worthwhile job
15. My team's overall workload was/is OK
20. Overall I had/have what I need(ed) to enable me to do my work
10. The Company's clear what it wanted/wants me to try to achieve
14. My personal workload was/is OK
16. The work I did/do was/is well organised
19. The technology I need(ed) for my work was/is OK
21. My managers had/have a positive effect on the way I work(ed)
7. My job performance was/is evaluated fairly
17. Diversity: Company good at preventing improper disadvantage...
2. I felt/feel a strong 'team spirit' in my unit
18. The office environment I need(ed) for my work was/is OK
6. Managers were/are constructive when I made/make a mistake
4. I felt/feel I was/am doing a worthwhile job
12. I had the skills needed to start doing my job

The abridged/combined Statements appear here in the order of 'total aggregate magnitude' by which KSS scored more highly than 'Pre-KSS' - - i.e. the higher on the list, the bigger the total of the Difference in 'scores' for that pair of Statements. KSS scored more highly on all 22 pairs.

*13 of the 99 respondents had evidently joined KSS after the changeover. All their 'scores', plus any individual Statement scores by the other 86 in which either 'score' in any one pair was a 0, were of course excluded from this analysis. So 'n' = 86 respondents in total for this Table.

White space in this chart represents not a 'score' of 0, but rather the 'zero Difference' in any pair of Statements, e.g. a 2 for both Statements. The maximum possible Difference was by 4 in either direction; the 1 - 4 degrees of Difference are represented here by the four shades of each colour.

It is notable that the KSS figures were, in aggregate, the higher for every single pair of Statements. Nevertheless, there were examples, too, in each single pair of Statements, of a particular individual respondent somewhere who 'scored' the Pre-KSS period more highly (not always the same person).

Table 4 provides the average 'Difference' figures for each of the individual pairs of Statements, which also explains the order in which the Statements appeared in Table 3.

Table 4: Average 'Difference' per Statement.

Statement Number:	8	9	22	3	13	11	1	5	15	20	10	14	16	19	21	7	17	2	18	6	4	12	Average Difference Overall
Average Difference per Statement	1.4	1.4	1.2	0.9	0.9	0.9	0.9	0.9	0.8	0.7	0.7	0.6	0.5	0.5	0.4	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.66

All average Differences were 'in favour of' the After February 2019 regime of KSS. The theoretical maximum Difference was 4; however, this Table does include all the zero differences, which does pull the average towards zero. So n=99 here.

These figures provide the reference point as we move on to consider potential 'segmenting' issues – Were there noticeably diverse findings when we looked at staff responses by area, role, race, sex etc?

Diversity sub-sampling:

The short answer to this is 'only a little'. The low response rate of 10% gave us only a total sample of 99, disappointingly, and so any 'sub-samples' quickly became quite small; therefore we would be reluctant to attach great significance to the modest variations we found. But some of those variations were perhaps 'quite interesting'.

We applied the analysis shown in Table 4 above to sub-samples of 'area' (the 3 CRCs), of 'role' (manager or 'non-manager'), of race (census high categories), sex, sexual orientation and disability. Respondents had been perfectly entitled to select – or leave selected by default – the "Prefer not to answer" option, so indeed this reduced the size of the samples, and sub-samples, even further.

Remember that the benchmark average figures, from Table 4 above, is 0.66

Managers v 'non-managers':

The 33 Managers responding gave average Differences in scores of 0.76
The 55 'non-managers' responding gave average Differences in scores of 0.62
The 11 respondents who 'Preferred not to say' gave average Differences in scores of 0.47

On average, therefore, the 33 Managers who responded to this Survey were expressing a markedly stronger preference for the period After February 2019 than were the 55 'non-managers'.

DDC v BGSW v Wales:

The 38 DDC respondents gave average Differences in scores of 0.57
The 33 BGSW respondents gave average Differences in scores of 0.62
The 28 Wales respondents gave average Differences in scores of 0.83

On average, therefore, the Wales respondents – who since December 2019 now had a different staff profile from the two SW areas – were also expressing a markedly stronger preference for the period After February 2019 than were their SW area colleagues.

Female v Male:

The 69 Female respondents gave average Differences in scores of 0.69
The 22 Male respondents gave average Differences in scores of 0.52
The remaining 8 respondents, 'Other' or 'Prefer not…', gave… 0.69

On average, therefore, the female respondents were expressing a somewhat stronger preference for the period After February 2019 than were their male counterparts.

With a Disability v not with a Disability:

The 15 respondents reporting a Disability gave average Differences in scores of	0.70
The 70 respondents not reporting a Disability gave average Differences in scores of	0.69
The 14 respondents who 'Preferred not to say' gave average Differences in scores of	0.46

While the first two figures above are in effect identical, it leaves a question hanging about the 14 respondents who 'Preferred not to say', who on the face of it seem to have been less positive.

Race and sexual orientation:

For both of these matters, the number in the 'minority' sub-sample was less than five. It seems to us unwise either to offer a comparative statistical analysis or to disclose details which could come close to revealing inadvertently an individual respondent's identity. We are open to discussion on this point.

Overall, this 'quite interesting' account above is as far as we feel we can sensibly go with the segmenting exercise, due to the small size of what is a self-selected total sample.

More analysis – see Table 5 below:

Table 5: Additional analysis

In this box we offer some additional details of quantitative analysis behind Tables 1, 2 and 3.

Tables 1 & 2: Having excluded (of course) from calculation any response coded '0' (Not Applicable / decline), we found that the mean average rating for these 22 Statements Before February 2019 was 2.89, and the mean average rating for those After February 2019 was 3.69 (5 was the maximum). ***The difference between the two mean averages was 0.8***. Since 3.0 was the theoretical 'neutral midpoint', this is another way of 'measuring' the extent to which the 'Before' experience was 'negative' and the 'After' experience was 'positive', as reported by this self-selected sample of staff.

Table 3: There was theoretically a total of 1,892 opportunities for all the respondents (who were with the Company before February 2019) collectively to offer a comparison scores within Statements 1-22 (86x22=1,892). From this theoretical total we have excluded all the instances of a 'zero difference' recorded - by this we mean that we exclude here not only the instances where the respondent has 'scored' both items in each pair of Statements equally, but also the instances where *either* the BF (before February'19) *or* the AF (after February'19) rating was '0' (i.e. Prefer not to answer).

We have then identified a total of 1,037 instances of an individual staff member offering an active 'Difference' in the scores for the two items in a single pair of Statements – this could be by *any* margin between 1 and 4, either 'in favour of' KSS or 'in favour of' 'Pre-KSS' (i.e. Working Links).

In 167 instances the 'Before' rating was higher, and in 870 instances the 'After' rating was higher. In percentage terms those figures are ***16%*** and ***84%*** of the 1,037 'instances of a preference' above.

We then aggregated all these 'instances of a preference' as given by each individual respondent.
We found that of the 86 relevant staff, 68 staff had given 'scores' that averaged out 'in favour of' KSS, i.e. After February 2019, while 15 staff had given 'scores' that averaged out 'in favour of' 'Pre-KSS'.
(For three staff their scores averaged out at exactly zero.)

We also found that 10 of the 86 relevant staff had given 'scores' for the After February 2019 period that had an overall average of 'two ratings points' or more higher than for the Before February 2019 period.
(NB A Difference of four points was the theoretical maximum possible). The single highest average was 2.5. There was one respondent whose 'scores' had an overall average of more than 'one rating point' higher for the Before February 2019 period – it was 1.86.

We turn now from quantitative to qualitative data, while remaining with Statements 1-22.

Staff comments and interviews for Statements 1-22 – a Qualitative analysis:

At this point we now move on from solely quantitative analysis, and we aim to shed a little more light on *what might be going on here.* We review the comments of respondents and interviewees made in response to the subjects raised in Statements 1-22.

We have grouped the comments and interview observations into the 'themes' that seemed to us to emerge from what respondents were telling us. (In the later section of this report, 'Another Look', we attempt a different 'cut', to see what that approach might add.) The quotations we've used are representative of both the number and the content of the overall comments with each theme. In a slight contrast to our earlier observation when we sub-sampled the numerical 'Difference' scores, in our review of staff comments we identified no discernable difference between the responses from each of the three CRC areas involved - DDC, BGSW and Wales.

Workload: A substantial number of respondents told us that in the period before February 2019, their workload was excessive. Several noted that this affected both the morale within the organisation and the physical and mental health of individuals.

> *"We were at breaking point, caseloads were exceptionally high, staff morale was low, and health was clearly being affected both physically and mentally."*
>
> *"Many staff were working way above their hours just to keep their heads above water."*
>
> *"Too much has been put upon us and it is difficult to prioritise all the targets expected of us."*
>
> *"I was stressed and pressurised to achieve, demoralised…"*
>
> *"Totally unreasonable, unsafe and totally irresponsible with no regard to staff welfare."*

There were at least 37 similar comments in our survey, with the only two positive comments reflecting the attempts of teams to pull together.

After the organisation was taken over by KSS, it was reported by some that their workloads continued to be high, with some additional pressures created by the drive to improve quality. Others noted that work was not distributed equally, and roles not clearly defined. Some were more optimistic that, although it had taken a long time to recruit new staff, things would now improve. Some commented that the situation improved following the changes made as a result of the Covid19 pandemic; others felt that this disruption had increased their stress.

Comments related to workload after February 2019 were divided approximately 3:2 negative:positive (or qualified positive).

> *"Now we have lower caseloads but as we are more checked on with our "quality" it has made little difference to our workloads."*
>
> *"The case loads are still high and now we are stepping up our game to do a decent OASYS which takes time plus the fact that a lot of our cases are very chaotic so it means recalls/breaches and another OASYS this has an impact on all the other cases."*
>
> *"The caseload has dropped, however the training and the implementation of the training is making the day to day workload difficult to achieve. I dread taking time off due to the workload prior to me taking time off and what I come back to this is not helped by the lack of staff."*
>
> *"Increase of staffing levels allowed to give a better service to SU and therefore assisted with the reduction of victims."*
>
> *"My workload is not currently heavy … I can concentrate on reading documents and training programmes offered."*
>
> *"Workload was too great as we did not have a full complement of staff for many months. More staff have now been employed so it should now improve."*

Comments from interviewees were very much in line with those above. In addition, one officer with over 30 years' experience told us that in that officer's own 'local' area over a third of the operational staff had been laid off under the previous regime. Certainly our analysis, albeit a rough one because of the difficulty of comparing like with like, suggests that the reduction in staff comparing 2011 with 2019 was indeed of that order. Since February 2019, KSS had increased the number of operational staff, but many mainstream "Offender Managers" still felt seriously overworked, this interviewee said.

The changeover: Given their experience of high workloads and poor morale, it is unsurprising that some respondents reported some anxiety they'd had about their past change to a new employer. Early statements setting out a focus on effective probation practice and values had been welcomed, but not all felt that this commitment had then been followed through in practice.

> *"Even though the move to KSS was initially difficult as it was another change, once we settled down I am of the view that they are a much better company than Working Links were. In the short time I have been with KSS I have felt valued as an employee"*

> *"At first, staff were optimistic that Seetec would bring about the required changes needed. While this has been the case to some extent, there has developed a view across the staff base that while senior management's intentions seem well meaning, the actual implementation of the required changes has fallen short."*

The vision and values of the organisation: The most striking finding from our survey was the number of negative comments (over 20) about the vision and values of Working Links, with virtually no positive comments.

> *"The company had promised too much for a number of contacts* [sic – contracts?] *and not delivered in my view through greed. They didn't care about the service."*

> *"… it became clear that they had underestimated the challenges, including financial, leading to an increasing "cost-cutting" culture that impacted on service delivery and staff morale, to the point that staff were leaving the organisation in significant numbers"*

> *"… WL who demonstrated no commitment to anything other than making a profit and adhering slavishly to processes that seriously hindered the job of helping offenders to desist from offending."*

> *"Front line staff were sacrificed to save money"*

> *"The company made it very clear we were to avoid financial penalties at all costs, even honesty"*

> *"The focus was on meeting targets at all cost and was in no way person centred. As a consequence having developed skills over many years I personally felt that my views and skills were irrelevant until it could be used to hit a target and not to effect change in our clients."*

Seetec, the owners of KSS, attracted a preponderance of positive comments, although some concerns – mainly about a focus on targets – continued.

> *"I feel that Seetec largely act to benefit service users rather than themselves."*

> *"Still very clear what we are wanted to achieve, with an understanding we are all doing our best. No mention of financial penalties but targets talked about."*

> *"Since Seetec took ownership of the contract, I believe there has been more of a focus (and rightly so) on the right values and the core roles undertaken by Probation."*

> *"I have always believed in the work I do. Now I believe the company does too."*

> *"As time has gone on targets have been driven hard without enough consideration for staff welfare. Despite working long hours this and accruing Toil to meet expectations, there is never enough time to take toil and A/L is not being taken frequently either. Staff need to feel more supported by Line managers and not made to feel it's just a target check-up session or contact."*

Those interviewees who had been with the CRC before February 2019 each tended to express in their own way a sense of disappointment that the changes they had hoped for, from the arrival of KSS, and which some said had been "promised", had either not happened yet, or were happening too slowly.

Organisational culture: Respondents were generally negative about the culture of the organisation prior to February 2019, although some wanted to distinguish between individual managers and the overarching culture.

> *"Before February 2019 there was an atmosphere of bullying and blame, we as staff were continually told that our actions or lack of them were being punished financially."*
>
> *"Very hard to stay in such a toxic environment."*
>
> *"I think CRC middle managers and senior managers did all they could to support, motivate and guide staff, within the significant limitations and pressure applied by Working Links."*

The interviewed officer with over 30 years' experience also observed that:

> Working Links *"…demonstrated no commitment to anything other than making a profit and adhering slavishly to processes that seriously hindered the job of helping offenders to desist from offending…. I felt constantly and profoundly shocked at the lack of care provided and was mystified as to how they ever won the contract… It was a totally demoralising experience."*

Some mixed feelings continued after the organisation changed hands, although more respondents made positive comments.

> *"I feel positive, listened to and supported."*
>
> *"Light at the end of a very dark and dismal tunnel. From the very first senior management meeting it felt that there was hope for the organisation, SUs and staff."*
>
> *"Senior managers still do not listen to any criticism or suggestions as they seem to think staff are lazy or not "positive" enough."*

Communication: A small number of respondents commented on communication within the organisation prior to February 2019; all felt that this was poor.

> *"Nobody seemed to know what was supposed to happen, messages weren't being cascaded to staff."*
>
> *"WL were not overly clear about my objectives or business objectives"*

On the other hand, a number noted and valued improvement communication under KSS.

> *"The new senior manager has provided clear and open information about where she sees the future. She has developed an open line of communication with staff especially during the lock down which has been a valuable meeting each fortnight where we have the opportunity of saying how we are. … There could do with a more personal way of doing this with senior management, although again she has been accessible and very supportive by email."*
>
> *"Lots of communication emails issued…"*
>
> *"I have started to get clear indication of what I should be doing weekly which has given me more confidence as I can see what I need to do to achieve certain parts of my job which gives me immense job satisfaction."*

Local management and supervision: Comments showed that, before February 2019, some respondents felt that their local managers were doing their best in difficult circumstances. However, some other respondents noted that they had several changes in line management and rarely received supervision.

> *"My manager organised everything as well as she possibly could given the lack of resources available to her"*
>
> *"My immediate manager was extremely supportive and if it wasn't for her, I probably would have left."*

"I was previously [i.e. Before February 2019] *in a role that fully utilised my skills and enabled me to develop with the help of my old line manager."*

"…Sympathetic to local managers, but angry towards higher managers didn't trust or respect them."

"A lot of good managers left due to the bullying from the managers above them so we [were] left with the bullies and very poor management. I had 6 SPOs."

"Before February 2019 I had 7 different managers in 4 years. I was never given set targets and had no formal training in my positions."

These mixed feelings continued after KSS took over the organisation, with a fairly even split between negative and positive/qualified comments about local management and supervision.

"It is clear my line manager are managers of tasks and not of people when frontline practitioners would really benefit from knowing about the wider organisation, the transition discussions, impact on staff, the consultation process, etc etc."

"Before privatisation we were a gold service, we are not now. The frontline staff want to do their best for the clients but are not given the tools to do the job. Everything is on a budget with corners being cut. Promises regarding staff and working in clusters were made including OMs and CAs, this has not happened."

"Still stressed and pressured, but there is more support from line management and a willingness to discuss [what] is not manageable."

"We are at least now having regular supervision as long as you drive it. We are getting constructive sessions which are driven by our caseloads and how we are as individuals which is how it should have been all along."

"The interaction and feedback I have experienced from the Management team to date has been one of positivity, transparency, supportive and encouraging."

The interviewees' comments were predominantly critical. A couple were clearly not impressed with their own line manager, while others commented on what they saw as a "fixed model" operated by KSS, and the lack of responsiveness to local areas and circumstances. A respondent involved in programmes commented that at least Working Links had, in effect, left Programmes alone to get on with it, whereas this person was now experiencing extra lines of management under KSS, which might be well-intended, but it meant that there were now "more hoops" to negotiate.

Training: Almost all comments (approximately 23) about training prior to February 2019 were negative.

"There was no formal training for my role when I took it on. I was left to my own devices to try and manage my own learning and understand how the role actually worked."

"… lack of training opportunity stifled my development. In fact there was no time for training unless it was to hit a target and then as normal this was priority."

"I came to the company with many years' experience, however we were expected to work that is not in our job description without any training or support."

"When I was transferred over from the NPS I had sufficient skills to do my job. Then week by week month by month those skills were eroded away until I felt I was de-skilled and I felt more like a Robot going through the motions. It was a conveyor belt of SUs."

"Due to the volume of work, completing training was difficult to prioritise - I also believe there was too much reliance on on-line training, which was not as compatible with preferred learning style."

Comments about training after February 2019 were approximately 3:2 negative:positive (or qualified positive). Opportunities for training do appear to have improved after February 2019, but gaps in provision remain, and staff still find it difficult to fit training into their work. Covid19 has had an impact on the styles of training that can be delivered and the ability of new staff especially to learn their job.

"Training over the telephone is not satisfactory. It is very hard to grasp what people mean, especially as they are peers and not trainers."

"Training can still be difficult to prioritise, due to imminent deadlines. There is also still, I believe, too much reliance on on-line training."

"Most training which is made available for programme facilitators working in North Wales is put on either in south Wales or England. DV training was a 1 day course but I would have had to travel 4.5 hours to get there. Staying overnight would mean missing BBR & TSP group sessions and trying to find cover."

"Now there is plenty of training available, however workloads are still too high to feel comfortable in being able to take full advantage of what is on offer."

"There has been more training delivered in the short time that Seetec have been in charge than in the entire time working links had the contract."

"...impressed by the availability of eLearning platforms and remote learning that is available to develop my role."

Premises and ICT: Most comments on the standard of office premises and access to the necessary resources prior to February 2019 were negative. Views about the provision of ICT were mixed.

"The room used for delivering programmes had no air conditioning and is far too hot during the summer months. It is also at the far end of the building with no CCTV monitoring."

"Too many people in the office, noise levels intolerable."

"One office that I worked at had a leak in the ceiling that was never repaired."

"It was a difficult time due to financial constraints and things asked for like staff workwear, tools and equipment were refused."

"I didn't have a phone and had to go to reception or NPS to call SUs."

"Technology was good and transition to new systems was well managed. I had a mobile and laptop with all the necessary software."

"The IT worked, albeit we had random drop-outs with the IT."

After February 2019, little appears to have improved, with a number of negative comments about ICT in particular. The later need to work from home had made these issues more pressing. These points were reinforced in several of the staff interviews.

"We have had no office for over a year, Although seeing SU's in a temp office there was not enough space or avail apts so meaningful work was limited."

"Offices in Cornwall are generally not fit for purpose. As we are a resourceful team we make things work, unfortunately it should not be our responsibility to make things work. There should be time and money invested in providing us in the SW offices that are fit for purpose."

"IT support is dreadful, I had to wait for months for a mobile phone even though I was a priority, I have had my phone now for 3 weeks and I am still waiting for it to be activated. The system doesn't enable effective working with no licences for office outside the secure environment and no access to corporate emails which has been unresolved now for weeks."

"Technology has been terrible. Skype problems have been widespread and we have not been allowed to use WhatsApp to full effect or given any replacement technology yet that works better. It has been very difficult doing the job remotely due to this."

"IT support is lacking and frequently have issues with connectivity. Phones took ages to arrive and still not connected to email. There are too many platforms to access for different things it would be easier to only have 1 email and 1 training environment it's too complicated and clunky and feels like things are just being bolted on here and there with no oversight or checking of when things are accessed or if people have done training."

"When we eventually got our mobile phones, they have proved to be very useful. Computers are fairly reliable, some of the software is still experiencing reliability issues. Lead time for new items is still way too lengthy, however the ability to obtain the smaller items from petty cash/expenses has eased that situation somewhat."

"March 2020 Finally given laptops to work from home but no training given. IT staff vastly overworked but brilliantly supportive. Still no skype connection."

One interviewee, a manager, identified an additional problem, which was the HR system. The new HR system introduced by KSS not only didn't work first time, but this manager reported having to correct "HR spreadsheets" repeatedly, month after month.

Response to diversity and local issues: Only a small number of respondents commented on the organisation's response to diversity prior to February 2019.

"...for those of us in Cornwall it is unreasonable to expect us to always be travelling an excessive distance to undertake a training that may be for just a couple of hours. Because the travel distance and cost far outweighs what is being delivered."

"The office was not DDA compliant."

"Too busy trying to hit targets."

In relation to the period after February 2019, there were mixed comments in relation to diversity.

"Diversity practice mixed – building adjustments made but I feel my disability has been poorly supported."

"Getting better, requires more work."

"There have been significant improvements in this area where far more engagement"

"everyone is treated as a person and equally."

A number of respondents also expressed negative views about KSS's responsivity to local services.

"…there is in my opinion a clear trend to focus on the already established areas of the CRC. The situation faced in Cornwall is significantly different from other areas covered by Seetec and it is clear that either no top Seetec Management has visited Cornwall or been to any of the offices to talk with staff."

"… one size does not fit all. The areas covered by Seetec are diverse by Geography, and what can be achieved in an urban setting is often impossible in a rural location such as Cornwall."

"It was too much of a task to get the whole of the SW to work like KSS but they never wavered from this and stuck with it which was a mistake."

"I felt it was a take over and no consideration was taken of good practice in Wales, focus was on doing things the KSS way even though the areas are completely different."

The future: Several respondents indicated that, after a difficult period prior to February 2019, they were starting to feel happier and more effective, and were now concerned about the changes that will be brought about by the move to the NPS. The comments here were in addition to those that were later made specifically in response to Statement 24 (also about 'the Future', and covered later):

"I was greatly disheartened that interventions were returning to the NPS in 2021, as I wholly believed that the best place was with Seetec in moving forward."

"FIrst time in my career that I have felt valued! Training has been fantastic as have job opportunities. I feel saddened to be returning to the NPS."

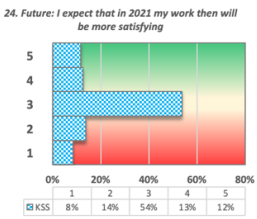
"As part of the interventions team, since KSS took over I feel that our work is more valued and we are being invested in. I worry that this will disappear once we move back to NPS and we become the "poor relations" once again as we were pre the Probation split."

"As the lock down has developed and my caseload has reduced I feel that I am able to be more effective but have absolutely no confidence in either the CRC or NPS to keep them at a reasonable level."

In the interviews too, respondents who had previously made various criticisms of KSS management then expressed concern about the future transfer back to the NPS. The Programmes person feared being “at the bottom of the pile” in the NPS – being then an “ex-CRC” person – as did another who felt that ‘Interventions’ would get less attention there. Another, a PSO, felt that the planned reintegration into the NPS was the right thing for the Service, but might not be advantageous personally. In contrast, another interviewee was persevering in their role on the expectation that they would have better career opportunities following transfer back in to the NPS.

That concludes our review of the first group of findings. Meanwhile, there is much less for us to say about the second and third groups of findings, so we have brought the quantitative data and the staff comments together for these two groups. These analyses start on the next page.

2. Hopes and fears (all – Statement Numbers 23-24):



(23) Over two-thirds of respondents felt confident that they had the skills they needed for [the expected] transfer to the NPS, though with some qualifications, as reflected in these comments:

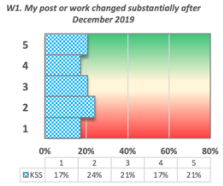
> *"I still have those skills from pre-CRC. Looking forward to it."*
>
> *"I am beginning to feel that the skills/abilities I had prior to TR are being resurrected, so I have less concerns than I did when it was announced we were going back. I am always prepared to learn new things, and in this job you never stop learning. Currently I cannot identify what potential training I may have, until I know what cases I will be dealing with."*
>
> *"Until I know what role I will be undertaking, it is difficult to answer this question. Some skills may require refresher training - equally, when in role, this may identify specific training needs."*
>
> *"As my current role doesn't exist in NPS and I don't know what my role will be when I transfer this is an impossible question to answer."*

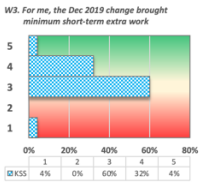
(24) But there was a great deal more caution about whether they felt optimistic that their work in twelve months' time would then be more satisfying – over half gave a 'neutral' response. Comments were mainly but not solely reflecting concerns about the uncertainties of each respondent's personal prospects for 2021:

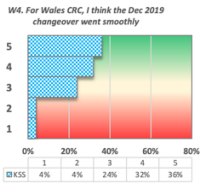
> *"It is anticipated that I will return to the NPS when we re-merge next June and I can only hope that I will be able to go forward to continue doing the job that I have loved for 40yrs."*
>
> *"Two comments: 1. It depends on how the new re-organisation is set up. 2. I may not be needed in 12 months' time."*
>
> *"When I am allowed to spend appropriate time with SUs, helping them to sort their lives out, it is always satisfying and it is why I came into Probation; excessive workload/admin/duplication of work/jobs, incessant targets all detract from spending time with SUs"*
>
> *"Fear that interventions will become an add-on to OM work rather than it being valued and invested in and that staff views will not be truly listened to."*
>
> *"I am concerned about going back to the NPS. We in programmes have always been seen as second class compared to OM's and I fear that will return."*
>
> *"I am concerned that I will be transferred back to NPS without sufficient training, and will find the whole experience stressful. There has been nothing but change for the last 5 years, and I am not looking forward to experiencing any more."*
>
> *"I am concerned for the future as my role does not align with NPS at this time. When KSS took over I loved the feeling of going back to probation ethos but without all of the constraints. I hope that the Interventions team don't lose some of the good practices and ideas that they have built up over the last year."*
>
> *"I hope so but NPS is very restrictive."*
>
> *"I have worked in probation since 2002 and this is the 1st time I have ever felt valued."*

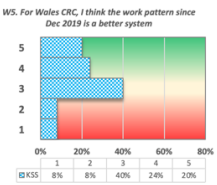
These comments were in addition to those cited earlier.

3. Wales-only (Statement Numbers W1-W5):









With a range of only 25-29 'active' responses to these Statements, and with many of these responses being relatively non-committal, it is unwise for anyone to read too much significance to the data from this source. It must also be remembered that only the views of people who remained with the Wales CRC were sought; we don't have the views of those who transferred to NPS Wales.

However, the following points can be noted:

(W1) Roughly the same proportion of people reported that their own post or work had changed substantially as those who reported that for them it hadn't.

> *e.g. "As my role changed so did the nature of my work; have found it to be more suited to my skills and a more satisfying work that I am now involved in than my previous role."*

(W2) A lot more respondents said that they preferred the work that they were now doing since December 2019 than those who said they didn't.

> *e.g. "I now have the time to do the work given without conflicting demands which makes it more enjoyable."*

(W3) There was a neutral-to-slightly-favourable response to the idea that the December 2019 change had created little short-term extra work "for me".

(W4) There was a very positive response to the idea that for the organisation as a whole, the December 2019 change had gone smoothly.

(W5) Over twice as many respondents said that they thought that the work pattern since December 2019 was a better system than those who didn't.

> *e.g. "Ideologically I don't think the split was right but personally and professionally it worked and seemed better."*

In our Introduction, we thought that as an additional part of our study, there might potentially be views and/or evidence of how the December 2019 transition in Wales could have been done better. Although 'absence of evidence' is not necessarily the same as 'evidence of absence', it will be seen that little has come to light on that question beyond the tables for W3 and W4 above. On that basis alone, one could conclude that the December 2019 change had been managed quite well, and we have no evidence that would contradict or temper that viewpoint.

THREE. Primary Data: Interviews with 'external partners:'

Qualitative method:

Qualitative data are often notably useful for identifying ideas and views from respondents that were not necessarily the ones predicted or expected by the researcher(s). For this reason, for the interviews with 'external partners' and others, we employed semi-structured questioning. This meant some 'prompts' on certain topics that we put forward when interviewing, complemented by open exploration of whatever else the respondent wanted to offer. The content of these interviews, plus the content of the other unstructured comments received through the Staff Survey (as reviewed elsewhere in this report), were analysed by us in order to identify patterns and themes, as advocated in the world of academic qualitative methods.[20] Of course, as experienced Inspectors, we had also employed this approach ourselves many times before.

We had briefly considered the question of pursuing a quantitative approach (a formal survey) with the external partners, but decided against. These people would be responding participants from a range of other organisations, so the only thing they would have in common would be that they each had their own specific relationship with the CRC. We felt that while common themes might emerge from the qualitative analysis, little extra would usefully be added by attempting a quantitative survey with them. As their personal 'investment' in the CRC would be considerably less than that of a CRC employee, it would also be a 'big ask' to request a response to a structured survey from them.

Our interviews:

We interviewed:

- Angela Cossins, Divisional Director NPS SWSC
- John Smith, Deputy Police and Crime Commissioner Avon and Somerset.
- John Harper, Marketing and Administration Co-ordinator, Crest Co-operative, Llandudno Junction
- Unions - Helen Coley, GMB; Debbie Monksfield, Unison; Ian Lawrence, NAPO.
- St Giles - Cara Scott (South Wales team manager), Debbie Rourke (North Wales team manager) and Justine Jenkins (Wales manager).
- Neil Baker and Alex Pace, Catch 22
- Sarah Burke, Service Manager - Justice Cymru and Prison Link Cymru, POBL group.

Key points:

At a strategic level, the relationship between the NPS and CRC improved when KSS took over from WL (Working Links). Senior leaders had started working together on joint plans, ensuring a 'One Probation' approach in the South West. As a result of this constructive partnership relationship, leaders are confident that future arrangements will work well.

The PCC for Avon and Somerset reported that KSS have paid more attention than WL to strategic links at PCC level in the development of strategies to reduce reoffending. Despite this, he also noted that some opportunities for joint working at operational level appear to have been missed, speculating that this may be a result of inflexibility in existing contracts. Indeed, he noted that the positive changes introduced by KSS were outweighed by the structural problems of the CRC contracts and business model. He contrasted this with the good work which had taken place around the IOM scheme in Avon and Somerset with strong strategic leadership from the local authority, police and the Probation Trust before the changes introduced by Transforming Rehabilitation.

[20] For example, see John Van Maanen et al, *Varieties of Qualitative Research*, (Beverley Hills, Sage, 1982), 17passim, and Steven J Taylor & Robert Bogdan, *Introduction to Qualitative Research Methods* (Chichester: Wiley, 1984), 76-148

Partnership agencies delivering 'Through the Gate' services described a good working relationship with Probation and commented that, because of the continuity of contract and operational staff following the transfer from WL to KSS, they had noticed little change. Some saw the change as a rebranding, rather than anything more substantial.

Whether the retention of key CRC staff was by default or design, it was an effective way of managing the change. Some interviewees were critical of the lack of notice of the changes, feeling that communication with them could have been more proactive. Others, however, noted that this approach kept the anxiety of staff to a minimum, as well as ensuring continuity of provision to service users. One interviewee commented that because of the evident commitment to service delivery, they felt confident to continue to work with service users 'in good faith' until new contracts were sorted out.

Several interviewees noted a 'change of tone' when KSS took over from WL, with the organisation demonstrating more understanding of Probation values and practice and more desire to do the right things. This contrasted with the perception that WL were focused on achieving targets and avoiding financial penalties (service credits). Despite the change in emphasis, one interviewee noted that the relationship with KSS was 'more streamlined', with more routine performance reporting. The whole liaison process was 'less clunky' and yet there was still 'more focus on the people'. Where data quality issues are identified, there is a collaborative approach to resolution.

Union representatives were well placed to comment on the management of the transition from WL to KSS and the impact on staff. In their words, the lack of understanding by WL of Probation and risk 'permeated the organisation' and became 'dangerous'. Unsurprisingly staff were sceptical about the changes, but quickly saw that KSS/Seetec understood Probation, tackling workload issues and assigning case management roles appropriately.

Although the change did not happen overnight, KSS understood the challenge and worked effectively in partnership with unions and staff to deal with structural and professional issues. The quality of the dialogue improved morale, and union representatives wanted to record their appreciation to KSS leadership.

One downside of the change from WL to KSS was the loss of a local presence, which was especially an issue in Wales, where WL had an office, local connections, an understanding of Welsh housing legislation and bi-lingual written material.

Although IT improved, with the provision of laptops to enable home working, the helpdesk for KSS did not always have a full appreciation of why they were contacted by people working in Wales.

Under KSS, managers and aspiring managers have been offered training and development – something that did not always happen in the past. There does, however, appear to have been a gap in the provision of training for practitioners. With the merging of CRC and NPS in Wales, one provider noted an increase in referrals of individuals who presented a high risk of harm to other people. Where staff were unfamiliar with public protection work, the lack of training or preparation for this change was of some concern.

Interviewees all praised KSS handling of the Covid19 pandemic. The safety of staff and service users appears to have been at the forefront, and flexibility introduced into service delivery, where this seemed to be in the best interests of those affected.

The future:

Where NPS and CRC staff are co-located this tends to be beneficial to service delivery, despite occasional reports of tensions between the groups. With re-amalgamation the challenge will be to ensure that these tensions are not replicated between case managers and interventions staff.

Some concerns were raised about the loss of direct access to human resources advice – something that is seen as easier in CRCs than in the NPS. Some uncertainties remain to be resolved; for example the position of staff based in prisons that work with cohorts of English and Welsh prisoners. Clarity about the future would help to reduce the anxiety of affected staff.

After TR ("Transforming Rehabilitation", the 2014 part-privatisation) many experienced Probation Officers left the service and have been replaced by new staff whose experience is narrower, depending on whether they have worked in a CRC or NPS. It will be important to ensure that these staff acquire the skills and experience required by their new roles. Understanding public protection and risk of harm is a case in point.

Overview: Even after taking into account the various concerns above, the balance of opinion of the 'external partners' that we interviewed was a broadly positive one towards KSS.

We now move on from the primary data we collected, to look at the secondary data we were able to access, principally on matters of organisational 'performance'.

FOUR. <u>Secondary Data: Available data on performance</u>:

As we said in our Introduction, in principle the best way of evaluating any change in management arrangements is to evaluate any change in how well frontline practice is being done. Ideally, we would have been directly seeking primary data ourselves for this purpose. However, for a combination of practical reasons this has not been a feasible possibility for us. In any event it would still be quite 'early' – soon after the February 2019 change - to be drawing any confident conclusions, and – post-Covid19 and EDM (the Exceptional Delivery Model) – it is now not appropriate either. Instead, we have sources of secondary data. Our collection and review of this material rather illustrates our point above, in that our findings here cannot be definitive, largely because of that timescale.

There were three nationally recognised ways of 'measuring' Probation practice performance during the period we examined:

1) "Payment by Results" (PbR). In principle, at least, this was an 'outcome measure'. The idea was to measure the rate – indeed, two rates - of "proven reoffending". This measure made possible a mechanism for the MoJ - potentially – to provide both rewards and/or penalties financially for CRCs 'by results', as we discuss below.

2) Minimum contract specifications, a measure of 'input'. Formally known as Service Level measures (SLs) and Assurance Metrics (AMs), and more informally as the "monthly targets". These measures made possible a mechanism for the MoJ financially to penalise CRCs.

3) HM Inspectorate of Probation methodology - inspection 'standards' that are aimed to enable assessment of 'quality of Probation practice'. Nevertheless, these were/are a measure of 'input'. However, they carried no direct financial consequence for CRCs.
In principle, and sometimes in practice, this methodology could be used by service managers for self-assessment purposes.

We review the available data from each of these sources, and also their usefulness.

1. "Payment by Results" (PbR):

In principle it was right that the MoJ should aim to employ an outcome measure. The obvious outcome desired was 'reduction in reoffending'. The idea was to identify every quarter the cohort of cases that each CRC (Probation company) had just started supervising, and then later to track their rate(s) of "proven reoffending" through Court records. Definition: "A proven reoffence is measured over a one-year follow-up period and a further six-month waiting period to allow the offence to be proven in court." Two 'rates' would be measured: a) The 'binary' rate, i.e. Was there a proven reoffence at all, or not? and b) The frequency rate, i.e. How many fresh reoffences were committed? These rates were to be compared with a 'benchmark' year[21].

The role which PbR took in CRC contracts was extremely significant. At the original bidding stage for the contracts, a bidder could opt to bid to have a relatively low 'fee for service' (fixed payments for volume of cases), while seeking a large reward for achieving good outcomes, i.e. 'Payment by Results'. This is what Working Links had done when they originally bid for the Wales and the two SW CRCs. From the commissioning point of view the MoJ would have seen this as an attractive bid because the public purse would only be paying out the relatively high sums of 'reward' if the results were good. But only the unfolding of events would show whether the PbR mechanism was robust enough for it to be effectively used in this way.

[21] See: https://www.gov.uk/government/statistics/payment-by-results-statistics-october-2015-to-december-2019 where a full Guide can be found in addition to those figures, and for the latest figures to date, see the next page, which were taken from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/930290/crc-nps-final-results-bulletin-oct20.pdf

It is beyond the purpose of this report to do more than observe that the reason that Working Links gave up their ownership of the three CRCs was that it became financially unsustainable for them. It would seem that the 'balance' of the contract that they had bid for – the balance between 'fixed fee for service' and PbR – did not work in practice for them. We do not have the information to know whether or not their original bid had been too heroic, but the information about the PbR data recorded is in the public domain, as per the last footnote, which we return to shortly below.

We do know, however, that the contract bid by Seetec for KSS had a very different 'balance' – it had a much greater proportion for 'fee for service', and less for PbR. This was a key reason why KSS were able to invest considerably more money in the three western CRCs when they took over ownership from Working Links. There was still a degree of financial risk for KSS, that could potentially arise from either PbR or from the "monthly targets", but it was an appreciably smaller degree of risk.

This provides an important context to the discussion that follows of all the available performance data for the three CRCs, including the published PbR figures below. As we explained in our Introduction, we were not expecting to find big changes in any of the performance data, because time is needed for: a) changes in management actions to start to affect how practitioners are working, and b) changes in practitioner working to have an effect on how individuals are being supervised. And with PbR specifically, there is also that 18-month minimum delay before data on "proven reoffending" can become available (one year minimum period 'at risk', plus six months for this to be proven in Court). The data in the two right-hand columns below were published on 29 October 2020; they provide the figures for cases supervised by CRCs where the cases started supervision in late 2018. For the three CRCs in this study, those cases had their first few months of supervision *before* the changeover to KSS.

Payments by Results figures sourced from the gov.uk website

	2015/16		2016/17		2017/18		Oct-Dec Qtr 2018	
CRC	Proportion of offenders who reoffend (%) 2015/16	Average number of reoffences per reoffender	Proportion of offenders who reoffend (%) 2016/17	Average number of reoffences per reoffender	Proportion of offenders who reoffend (%) 2017/18	Average number of reoffences per reoffender	Proportion of offenders who reoffend (%)	Average number of reoffences per reoffender Oct-Dec18 Qtr
Bedfordshire, Northamptonshire, Cambridgeshire & Hertfordshire	41.65	5.10	44.04	5.42	42.53	5.27	40.62	5.23
Bristol, Gloucestershire, Somerset & Wiltshire	**46.82**	**4.66**	**43.69**	**4.92**	**43.41**	**5.19**	**41.41**	**5.22**
Cheshire & Greater Manchester	39.55	4.01	37.29	4.30	37.09	4.20	34.28	3.86
Cumbria & Lancashire	40.36	4.69	42.61	4.87	42.82	4.80	37.97	4.46
Derbyshire, Leicestershire, Nottinghamshire & Rutland	42.92	4.51	44.76	4.78	45.15	5.08	47.38	4.90
Dorset, Devon & Cornwall	**43.56**	**4.21**	**43.62**	**4.86**	**41.35**	**4.54**	**39.33**	**4.33**
Durham Tees Valley	50.87	6.34	51.30	6.59	51.45	6.68	48.07	6.16
Essex	42.32	4.72	41.94	4.81	42.87	5.11	41.24	5.45
Hampshire & Isle of Wight	41.64	4.86	44.93	5.20	41.84	5.07	37.43	4.96
Humberside, Lincolnshire & North Yorkshire	48.76	4.64	48.02	4.95	46.91	5.26	47.31	5.61
Kent, Surrey & Sussex	**42.38**	**4.86**	**42.53**	**4.96**	**39.53**	**4.59**	**35.95**	**4.53**
London	43.48	4.17	42.81	4.18	40.30	3.90	36.24	3.80
Merseyside	35.43	3.94	35.53	4.22	37.50	4.30	36.95	4.60
Norfolk & Suffolk	43.12	5.00	44.57	5.41	46.16	5.62	41.88	5.87
Northumbria	47.56	4.98	45.85	5.10	43.41	4.99	43.35	4.16
South Yorkshire	50.24	5.39	46.81	5.60	45.41	5.45	39.79	5.38
Staffordshire & West Midlands	41.57	4.65	42.28	4.67	41.13	4.60	39.99	4.41
Thames Valley	45.63	5.24	44.71	4.81	42.33	4.39	38.29	4.57
Wales	**45.09**	**4.38**	**43.81**	**4.61**	**43.42**	**4.60**	**40.34**	**4.16**
Warwickshire & West Mercia	44.16	4.88	44.84	5.32	40.38	5.44	35.91	5.51
West Yorkshire	44.42	4.71	45.49	4.69	43.21	4.69	40.65	4.69
Aggregate result	**43.47**	**4.64**	**43.31**	**4.81**	**42.09**	**4.76**	**39.67**	**4.66**

We don't propose to discuss the intricacies of the individual figures in detail, but instead to draw out some specific general points about them:

1. For the great majority of the periods covered by these figures, the supervision in the three western areas had been done while the CRCs were owned by Working Links.
2. The figures for the three western CRCs don't look great, but still they were not that different from the "Aggregate Result" (i.e., for England & Wales as a whole), and they weren't the worst individual CRC figures in the country either.
3. The 'original' KSS area, which we have also emboldened in this table for comparison purposes, had mainly slightly better figures, though not by much at first.
4. Figures have improved more in the right-hand pair of columns, i.e., in the last 21 months or so, especially for the 'original' KSS area, but: -
5. For the most recent pair of columns, the better-looking figures apply to the "Aggregate Result" too; the MoJ rightly points out that one factor could be that delays in the Court system due to Covid19 might mean that we don't yet know all the convictions of the Oct-Dec 2018 cohort (the cutoff date would have been the end of June 2020).

These points, about the figures above, lead us to go on to make wider general points about using reconviction data for performance management purposes. In essence, we are sympathetic to the aspiration to identify a suitable outcome measure for Probation work, but reconviction rates simply can't serve this purpose, much as we might like them to.

To follow on from point 5 above, anyone who has taken more than a cursory look at Court conviction (or arrest, or prosecution) figures soon becomes aware of two frustrating phenomena: a) when the CJS (criminal justice system) is relatively stable, reconviction rates have historically been relatively stable, at best moving very gradually over a period of years, but b) when figures have started to change more rapidly it has often been a consequence of some other change within the CJS process, such as changes in police policy on arrests and/or charging and/or recording, or on prosecution policy etc. – or in wider society, such as improved 'community crime prevention'. Sometimes it has been simply the changes in the economic cycle of the country as a whole that has had the most impact on offending rates.

Accordingly, the 'What Works?' movement of the 1990s established that the claims to be made for the most effective of the various offending behaviour programmes were to be modest - rarely better than by single-figure percentage points. Therefore the year-on-year movement of overall reconviction rate(s) for a national cohort of well over 100k cases through more effective Probation work was always going to remain very small at best. Over time, it should be possible to establish and monitor potential long-term trends, but in the short term, it is wise to be cautious about the meaning of interesting-looking small changes (the 'statistical noise' that provides a 'story for today' for many journalists).

In short, there is always a danger in reading too much into marginal changes in figures such as these, either quarter by quarter, or even year by year. It's a bit like examining the daily movement of the tides in order to assess whether ocean levels are rising over the course of the century.

Finally, considering 'proven reoffending' not just as a performance measurement metric but also as a performance management tool, it has the huge limitation of *lacking timeliness*. In effect, all CRC staff and managers are being informed now (in late autumn 2020) of the 'results' of the work they started doing with new cases around two years ago. What can they learn from this information about the work they were doing collectively two years ago that might help them to do their work better, collectively, in future? We can remember from late in the 2000s decade the gallant attempts that were made to provide more 'timely' feedback on performance[22] – a good idea in principle – but inevitably in practice the cost was too much loss of accuracy: the evidence of possible reoffending, or the lack of it, was necessarily much less reliable. 'Proven reoffending' won't do as a performance management tool, and as a metric its figures above can only offer the most tentative encouragement indeed to the idea that Probation performance might have improved marginally in the 3 CRCs following the changeover.

[22] During this period, boffins in the MoJ tried to establish reliable evidence on reoffending within nine months of the original conviction – it simply wasn't possible to do this in any useful way. Reconviction data will always be either 'too inaccurate' or 'too untimely', or both!

2. Minimum contract specifications – the "monthly targets"

Throughout the whole period in question, CRCs were also required by the commissioning authority, the Ministry of Justice (MoJ), to exceed specified targets each month in twelve Service Level measures (SLs), and in a further six Assurance Metrics (AMs), these being current measures of 'input' – pieces of 'work process'. SLs carried a potential financial penalty for 'failure' while AMs did not. The proportion of the potential financial penalties attached to failure to achieve the SLs varied considerably between the SLs, and by far largest 'weight' was allocated to SL08, for which formal guidance specified how Successful Completion of community orders was defined.

There is a far-reaching question to be considered about the wisdom of using metrics of this nature to manage Probation 'performance' – elsewhere we have been highly critical of this approach and will continue to be so, as below. However, this has been the reality of what has been required of the CRCs by the MoJ. With that in mind we have set out in our table below the confirmed relevant KSS data for the full financial years 2018/19 and 2019/20 and the first five months (to August) of 2020/21.

The "monthly target" data for the three CRCs from April 2018 to August 2020:

Metric	Description	Target	Trigger pt for penalty	Financial weight'	18/19Yr (12 months)	19/20Yr (12 months)	Difference 18/19to19/20	20/21YrTD (5 months)	Difference 18/19to20/21
Devon, Dorset and Cornwall									
SL01	Initial contact CO/SSO orders: 5 days	93.0%	88.0%	0.75%	97.7%	92.6%	-5.1%	96.2%	-1.6%
SL02	Initial Contact - Licence: 1 day after release	93.0%	88.0%	0.50%	97.0%	94.5%	-2.5%	98.3%	1.3%
SL03	Completing the plan (CO/SSO): 15days of 1stApp	97.0%	92.0%	2.50%	91.9%	91.3%	-0.5%	98.7%	6.8%
SL04	Completing the Plan - Licence: 15 days of 1stApp	97.0%	92.0%	1.50%	91.1%	88.2%	-2.9%	98.6%	7.6%
SL06	Arrangement of unpaid work: 1st work in 7 days	75.0%	65.0%	1.50%	79.4%	73.8%	-5.6%	0.9%	-78.5%
SL08	Successful Completion CO/SSO: % "positive"	75.0%	65.0%	20.35%	78.1%	77.2%	-1.0%	86.6%	8.5%
SL10	Delivery UPW: % positive terminations	90.0%	80.0%	10.00%	88.8%	85.8%	-3.0%	52.5%	-36.3%
SL11	Delivery Programmes	90.0%	80.0%	5.50%	95.5%	91.4%	-4.1%	74.1%	-21.5%
SL13	Completion of Resettlement Plans: InCust 5 days	95.0%	90.0%	1.00%	96.9%	97.2%	0.3%	88.1%	-8.7%
SL15	ContribtoPrison Assessments: In 10 days	97.0%	92.0%	0.60%	96.6%	91.5%	-5.1%	97.9%	1.3%
SL16	Quality of breach referral: % "usable/accepted"	90.0%	80.0%	1.00%	97.2%	95.5%	-1.7%	97.1%	-0.1%
SL18	Recall timeliness: 24hrs of decision	95.0%	85.0%		97.3%	96.4%	-0.9%	100.0%	2.8%
AMC	Accommodation "settled" at Release	90.0%	80.0%		60.9%	54.2%	-6.7%	55.4%	-5.6%
AME	Breach referral timeliness: Referred in 8 days	95.0%	85.0%		96.2%	93.1%	-3.1%	95.5%	-0.7%
AMH	Recall Review Timeliness: PartB rep in 10 days	95.0%	85.0%		65.1%	68.8%	3.7%	89.7%	24.5%
AMI	Completion of Sentence: Date&reason recorded	99.0%	99.0%		95.7%	90.7%	-5.1%	86.5%	-9.5%
AMJ	Compliance with Licence \PSS: No recall/resent	65.0%	55.0%		74.1%	71.2%	-3.0%	75.5%	1.4%
AMK	Monthly appointments offered	95.0%	85.0%		74.2%	83.2%	9.0%	15.4%	-58.8%
Bristol, Gloucestershire, Somerset and Wiltshire									0.0%
SL01	Initial contact CO/SSO orders: 5 days	93.0%	88.0%	0.75%	98.0%	95.3%	-2.7%	96.6%	-1.4%
SL02	Initial Contact - Licence: 1 day after release	93.0%	88.0%	0.50%	97.9%	97.1%	-0.8%	97.4%	-0.5%
SL03	Completing the plan (CO/SSO): 15days of 1stApp	97.0%	92.0%	2.50%	96.2%	95.6%	-0.6%	98.5%	2.3%
SL04	Completing the Plan - Licence: 15 days of 1stApp	97.0%	92.0%	1.50%	94.1%	94.3%	0.2%	97.8%	3.7%
SL06	Arrangement of unpaid work: 1st work in 7 days	75.0%	65.0%	1.50%	78.5%	72.5%	-6.0%	0.0%	-78.5%
SL08	Successful Completion CO/SSO: % "positive"	75.0%	65.0%	20.35%	76.6%	74.7%	-1.9%	85.7%	9.1%
SL10	Delivery UPW: % positive terminations	90.0%	80.0%	10.00%	85.8%	86.4%	0.6%	41.5%	-44.3%
SL11	Delivery Programmes	90.0%	80.0%	5.50%	91.9%	90.0%	-1.9%	54.0%	-37.9%
SL13	Completion of Resettlement Plans: InCust 5 days	95.0%	90.0%	1.00%	87.0%	94.3%	7.3%	56.1%	-30.9%
SL15	ContribtoPrison Assessments: In 10 days	97.0%	92.0%	0.60%	97.9%	93.7%	-4.2%	98.3%	0.4%
SL16	Quality of breach referral: % "usable/accepted"	90.0%	80.0%	1.00%	93.3%	92.8%	-0.5%	94.6%	1.3%
SL18	Recall timeliness: 24hrs of decision	95.0%	85.0%		98.2%	98.2%	0.0%	98.5%	0.2%
AMC	Accommodation "settled" at Release	90.0%	80.0%		62.0%	62.5%	0.5%	67.8%	5.8%
AME	Breach referral timeliness: Referred in 8 days	95.0%	85.0%		93.8%	90.3%	-3.6%	95.5%	1.6%
AMH	Recall Review Timeliness: PartB rep in 10 days	95.0%	85.0%		50.7%	48.5%	-2.2%	69.6%	18.9%
AMI	Completion of Sentence: Date&reason recorded	99.0%	99.0%		89.8%	90.4%	0.6%	83.9%	-6.0%
AMJ	Compliance with Licence \PSS: No recall/resent	65.0%	55.0%		65.1%	60.6%	-4.5%	57.2%	-7.9%
AMK	Monthly appointments offered	95.0%	85.0%		85.5%	82.3%	-3.1%	13.5%	-72.0%
Wales									
SL01	Initial contact CO/SSO orders: 5 days	93.0%	88.0%	0.75%	98.1%	98.2%	0.0%		
SL02	Initial Contact - Licence: 1 day after release	93.0%	88.0%	0.50%	99.7%	99.5%	-0.2%		
SL03	Completing the plan (CO/SSO): 15days of 1stApp	97.0%	92.0%	2.50%	97.6%	97.2%	-0.4%		
SL04	Completing the Plan - Licence: 15 days of 1stApp	97.0%	92.0%	1.50%	97.6%	98.1%	0.5%		
SL06	Arrangement of unpaid work: 1st work in 7 days	75.0%	65.0%	1.50%	92.8%	87.6%	-5.2%	3.2%	
SL08	Successful Completion CO/SSO: % "positive"	75.0%	65.0%	20.35%	78.3%	82.1%	3.8%		
SL10	Delivery UPW: % positive terminations	90.0%	80.0%	10.00%	92.5%	95.1%	2.5%	69.2%	
SL11	Delivery Programmes	90.0%	80.0%	5.50%	95.8%	94.4%	-1.4%	44.9%	
SL13	Completion of Resettlement Plans: InCust 5 days	95.0%	90.0%	1.00%	98.5%	97.1%	-1.4%	82.3%	
SL15	ContribtoPrison Assessments: In 10 days	97.0%	92.0%	0.60%	98.8%	98.3%	-0.5%		
SL16	Quality of breach referral: % "usable/accepted"	90.0%	80.0%	1.00%	98.6%	98.7%	0.0%		
SL18	Recall timeliness: 24hrs of decision	95.0%	85.0%		99.2%	98.3%	-1.0%		
AMC	Accommodation "settled" at Release	90.0%	80.0%		58.5%	61.2%	2.8%		
AME	Breach referral timeliness: Referred in 8 days	95.0%	85.0%		97.1%	92.1%	-5.1%		
AMH	Recall Review Timeliness: PartB rep in 10 days	95.0%	85.0%		49.2%	53.9%	4.7%		
AMI	Completion of Sentence: Date&reason recorded	99.0%	99.0%		95.7%	94.1%	-1.7%		
AMJ	Compliance with Licence \PSS: No recall/resent	65.0%	55.0%		68.1%	67.9%	-0.2%		
AMK	Monthly appointments offered	95.0%	85.0%		90.1%	91.9%	1.7%		

means below Trigger point | means above Target figure | means between Trigger & Target

2020/21 Year to Date (5 months) is after the Dec19 Wales changes, and VERY affected by post-Covid19 arrangements, especially re Unpaid Work

We can make two sets of observations about these data.

The first concerns the data 'as the reality' in the life of the CRCs that the staff and managers of CRCs had to manage. We can see from these figures, and also from the monthly figures behind them (not reproduced here), that the numbers had been largely pretty 'good' up until just before Working Links gave up their contracts. A marginal decline had just started in BGSW and DDC in the last six months of 2018/19, and that decline continued during the first few months after the changeover to KSS management. A very gradual marginal 'improvement' then started in the last six months of 2019/20; it can be seen that the full-year data for 2019/20 were slightly weaker than for the year before, but by then the upward recovery was well under way. The trend of 'improvement' continued into the year starting April 2020, with the palpable exceptions of the areas of work where the post-Covid19 arrangements adversely affected the metrics – most obviously Unpaid Work (community payback). Meanwhile, in Wales the positive data were largely maintained both before and after the changeover; then later, from December 2019, most of those metrics became the responsibility of NPS Wales.

It could be said, on the face of it, that there had been a downward blip in the South West that had started just before the changeover, and that the combined efforts of SW staff and managers had by August 2020 returned the main figures to their earlier broadly satisfactory picture. Also, they were by then showing a continuing marginal upward trend. In terms of the current 'reality' that the CRCs have to manage, the picture from these performance data is cautiously encouraging.

However, our second set of observations concern the role and meaning of these data in the overall task of managing and delivering an effective Probation service. Here, the 'picture' is not good at all.

We have no problem with engaging with quantitative data, and in some depth, and offering what we hope will be received as enlightening analysis. But we also always aim to connect such data with the wider purpose of the exercise at hand. With the SLs and AMs the planners' intention – again a good intention – has been that these metrics will serve as some key indicators of satisfactory Probation practice that the CRC contractors should not fall beneath. Hence they are not a potential source of financial 'reward' (unlike PbR), and instead are solely a potential source of financial penalty. For this reason, it will be noted that nine of the eleven metrics that carry potential financial penalties have Target figures of 90%+ (three have 97%), while the Trigger point for four of these is 90%+. The idea may be well-intended, but the effect in practice of metrics such as these is to distort and distract attention from the bigger picture of what effective Probation practice needs to be about.

With our 'boffin' hats on, we can explore the detail in the table above, and many more details behind the figures there if we need to. But the most striking thing about the detail in that table is that it is only fractionally relevant, at best, to the core management task of making "effective Probation practice more likely to happen" (see our Introduction). Indeed the existence of these levels of details in themselves illustrate the absurdity of where the Probation world has got itself. What happened?

With the SLs and AMs, a number of quantifiable "things that we would like to see happen in most cases" have been elevated to the role of serving as 'proxy measures' for overall quality Probation practice. For example, it is certainly good when the individual subject to a Community Order has been interviewed within five business days of starting the Order, or a newly-released prisoner on Licence has been interviewed within one day, and (perhaps) when formal initial assessments have been signed off within 15 days. And the good news is that all these three things were happening in over nine out of every ten cases throughout the two years before Covid19 struck. Nevertheless, the various specific monthly figures have bounced around between 90% and 99%, and have required much attention from technical and managerial staff – and presumably practitioners too! - because the official 'Target' figures required were either 92% or 97%, while falling below the 92% Trigger point for the initial assessments (for example) could lead to a financial penalty. Unfortunately the current system devised by the MoJ has fetishised these and other desirable attributes by assuming that these very specific actions will be good enough to serve as 'proxy measures' for determining whether Probation practice as a whole is being carried out well.

The metric SL08 has been particularly egregious. Since the early 1990s it has been known that, although at first sight it might look useful, in reality as a 'measure' this measures nothing. A high figure could easily be achieved if practitioners simply never breached people under supervision. If "100%" would not be the 'ideal result' then it is no use as a performance measure. This lesson has been learned more than once in the past, but – presumably due to lack of 'collective corporate memory' - it keeps coming back again, as it did yet again in 2014/15. At least MoJ didn't set a silly target figure.

Of course, most practitioners and managers know perfectly well that there are other, wider, better ways as well of assessing Probation practice – we explore some of these in the next section – but meanwhile huge amounts of organisational attention and energy are required to be devoted to focusing on whether (for example) "we can get our SL03 result next month from 91.9% to back above the 92% Trigger point". Indeed, a substantial 'ancillary industry' appears to have grown within the national MoJ, and within CRCs and other regional bodies, initially to set these proxy measures and define them in technical detail, and then every month to collect the data, troubleshoot the data, monitor the latest results and act on them, and of course focus the attention of operational managers and staff to achieve them. It became a necessary reality in the running of any CRC. This reality was an unwelcome one for some of the respondents in our Staff Survey who, while at first warmly welcoming the refreshing positive language and tone of their new owners, were then disappointed to find that they were still having to work to the same targets.

This is why we contend that these metrics have a wildly disproportionate effect in distorting the focus of what practitioners need to be doing. Such organisational energy spent on this could clearly be better spent on what one might reasonably assume to be the real main aim of Probation work: aiding the 'desistance journey' needing to be made by of each of the people under Probation supervision by *doing the Right Thing with the Right Individual in the Right Way at the Right Time.*

So while SLs and AMs might look plausible at first sight as a possible means of ensuring that basic service standards are maintained, it is a hopelessly misguided approach to commissioning Probation work. And indeed this planning error was an entirely avoidable planning error, as it was well known about before 2014/15 when these 'new' metrics were introduced for the new CRCs. From within the Probation world in the 2000s there was enough written, concerning 'performance' as measured by the then National Standards, in terms of "Hitting the target and missing the point". And from the wider world of organisational management there have also been numerous accounts of the folly of using metrics badly as a way of measuring organisational performance (e.g. JZ Muller, *The Tyranny of Metrics,*[23] originally published in 2010. NB: Muller also explains how metrics can be used well).

Although we are not the first to make similar observations on the folly of targets such as these, we find it strange that this is often cited as if striving for them were somehow demonstrating the mendacity of the commercial/private organisations – being 'only interested in profit'. But we see the problem as being with the contract not the contractor. If you've defined 'success' the wrong way, you will - at best – get the wrong kind of success delivered, a case of 'getting the job done although it's the wrong kind of job'. At worst, you don't even get 'the wrong kind of success' delivered.[24]

In summary, this has happened because generally it has proved so difficult to identify measurable ways of assessing how well Probation work is being done overall. We have highlighted problems with the PbR metric and with the "monthly targets", and we know from our own experience that Inspection criteria ("standards" as they now are) can be problematic too. There is always a danger in selecting a list of some desirable 'symptoms' of good practice, and then specifying that these should be 'mandatory in every case' – even though we know that cases and circumstances vary a lot. There is a much greater danger too in selecting a very small number of such 'desirable symptoms' of good

[23] Muller, Jerry Z. *The Tyranny of Metrics*. Princeton: Princeton University Press, 2019 edition

[24] In the UK, an obvious example from a parallel public service has been the NHS 'waiting time' lists, both in Accident & Emergency admissions, and for other treatments. In both instances, perverse practices have sometimes been introduced to get the figures right.

practice and then pressing them into service as proxy measures. This has a deeply distorting effect on the daily work of both practitioners and managers, because instead of acting as some key 'symptoms' of wider good practice – which was the intention of course – these narrow metrics simply 'take over' as, in effect, they become the 'official' all-embracing definitions of the whole of good practice. And this carries virtually zero credibility in the hearts and minds of practitioners and managers who have a proper understanding of Probation work – they can see the sheer absurdity of it.

For now, however, we return to the reality of the life of the three CRCs: We found that 'performance' as judged by means of these "monthly targets" appears to have been stabilised after a relatively slight blip around the time of the changeover in the ownership of these companies.

3. Probation Practice: HM Inspectorate of Probation reports, and some internal reports

Even though the Inspectorate's inspection 'standards' are mainly measures of 'input', this approach is generally recognised, including by us, as being a useful measure of 'Quality' of practice. It is also transparent, and so in principle, and sometimes in practice, service managers could use it for self-assessment purposes if they wished. But not all internal reports used this methodology.

First we describe the available data concerning the period up to February 2019, and then the period after that date.

i) Before February 2019

We were able to examine independent inspection reports by HM Inspectorate of Probation published in 2019, for which almost all the work with the cases sampled would have been done prior to February 2019. These reports are of course in the public domain and available online. The other available secondary data were various internal plans and reports which had to be found for us by KSS staff.

Including a contemporaneous report on the 'original' KSS area, Kent Surrey & Sussex, the Inspection reports were:

- KSS Published June 2019 (a benchmark for comparison)
- DDC Published Feb 2019 Undertaken November 2018 Samples May-Nov 2018
- Wales Published July 2019 Undertaken Feb (17th>) 2019 Samples Aug 2018-Feb 2019
- BGSW Published Sept 2019 Undertaken May/June 2019 Samples Nov 2018-May 2019

'DDC' is Dorset Devon & Cornwall; 'BGSW' is Bristol Gloucestershire Somerset & Wiltshire

The internal reports that also covered this earlier period were the case auditing reports undertaken by Working Links which include:

- Wales Reported Jan 2019 Covering Oct-Dec 2018 Samples date unclear
- S West Reported Jan 2019 Covering Oct-Dec 2018 Ditto
- Also: a similar report for the previous quarter.

'S West' covered both DDC & BGSW

ii) After February 2019

There were no further reports by the Inspectorate, and none due in the autumn of 2020. Following the change of ownership to Seetec, and before the radical changes in practice brought about by Covid19 in March 2020, there were just three internal reports:

An 'Enforcement' Audit:

- BGSW Reported May 2019 Started April 2019 Sample up to April 2019

A Quality Assurance update:

- Wales Reported July 2019? Started April perhaps A 'One month' sample

A Local Quality Inspection:

- DDC Reported Jan 2020 Undertaken Nov-Dec 19 Sample May-Nov 2019?

The first two of these reports covered work with cases done only just after changeover, and not necessarily work with recently-started cases anyway. The Local Quality Inspection of the DDC area did at least cover cases that had started after the changeover, though only by a few months. It was therefore the report that came closest to being a relevant comparator, though frankly this was still far too soon. (And of course any later analysis, from after March 2020 and the arrival of the Emergency Delivery Model in the post-Covid world, would have its own different comparison issues.) Therefore, these secondary data can provide only the most tentative indications of any change in frontline practice since the management change of February 2019.

Analysis:

For our analysis, we start first with the period before the changeover:

As a starting point, we take as a contemporaneous benchmark the case assessments made in HMI Probation's 2019 inspection of the Kent, Surrey and Sussex areas of KSS. The 'scores' for much of the case work were mainly positive, but then the elements of Case Supervision which were about "keeping people safe" dragged the overall ratings down to ***Requires Improvement*** in three "Domains" and even ***Inadequate*** in one "Domain". Delivery of 'Unpaid work' was however assessed as ***Good***.

Looking then at the three 'western' areas of KSS – each of these inspections were published later than February 2019, but much of the samples of Case Supervision and Unpaid work examined had been from the earlier period:

Interestingly, Wales scored broadly slightly better than Kent, Surrey and Sussex on Case Supervision, getting four straight ***Requires Improvements*** with broadly better scores; but their Unpaid work was weaker, also getting a ***Requires Improvement***.

The BGSW (Bristol Gloucestershire Somerset & Wiltshire) area and the DDC (Dorset Devon and Cornwall) area each had markedly weaker overall results, with one ***Requires Improvement*** and three ***Inadequates*** for Case Supervision, and another ***Requires Improvement*** for Unpaid work. (But they were both assessed as ***Good*** for the separate 'Through the Gate' service, a point for a discussion on another occasion perhaps.) The two areas had been run broadly as one single 'unit' by the previous owners, Working Links, so this broad alignment is not entirely coincidental.

Also covering the earlier period were the case audits undertaken by Working Links. Line managers were expected to audit a sample of cases during each quarter of the year, using the prescribed format, and a report in PowerPoint format was produced for senior managers each quarter. The questions being asked of each case were essentially yes/no questions of whether there was evidence of each piece of work process being completed, with some graduation allowed for – "Fully / Partially" etc. These answers were aggregated in a way that is not immediately obvious so that the Quarterly Report would show what raw number of sampled cases came into the categories of either Meeting (or even Exceeding) Required Standard, or Requires Improvement, or were Below Required Standards. A plan of remedial action then had to be set and implemented for the 'Below' cases.

Clearly, there are many questions that could be asked about the validity or even usefulness of this Working Links case audit system that did not align with the Inspectorate system, though this is not the place for us to go into them. We simply note that the Quarterly report covering the October-December 2018 quarter, showed 66% of the sampled Wales cases meeting the Required Standard, and 44% of the 'South West' cases doing so (as Working Links managed the two CRCs DDC and BGSW as effectively a single unit). While we are unable to treat these figures as having much value for the purposes of future comparisons, it is noteworthy that senior managers knew by their own system that a large proportion of cases were not 'succeeding'. The report indicates that they planned to focus on more rigorous Enforcement process, and on meeting Minimum Contact Specifications.

Turning then to the internal reports we have for the period after the changeover:

The BGSW Enforcement audit reported in May 2019, having examined 46 cases specifically from the Bristol Local Delivery Unit in April, so the work examined came very soon after the changeover. All the cases were either in breach process, or potentially in breach, and the audit focused on some key questions of enforcement practice. The report identified the interesting issue that officers seemed to give the Suspended Sentence Order cases a little more latitude than the Community Order cases, but even so the findings were positive. However, since it was a very narrow specific study, and very close indeed to the changeover, this report is not in a position to shed any light on the effect of the changeover on frontline practice.

The Wales Quality Assurance report was a broader study. It has a filename of July 2019, though it is undated and was clearly written no later than mid-May, since it mentioned events planned to take place in late May or June. It appeared to use the same system for cases audits that had been used under Working Links, and reported the findings of an incomplete monthly audit of cases, in which 52 of 71 cases (73%) were assessed as either Meeting or Exceeding the Required Standard. For a host of reasons we again would not conclude anything substantial from this – the earlier 66% figure and this 73% figure are from samples barely six months apart and are broadly in the same area.

The Local Quality Inspection of the DDC area was more ambitious and also covers a later period. The aim was specifically to parallel the HMI Probation inspection standards, so that findings could be compared with those of the recent Inspectorate report – in principle, absolutely the right thing to do. However, in addition, the questions ensured that they covered DDC CRC's own policies and procedures and contractual requirements, plus further sections looking at additional local expectations. A small dedicated and trained team (rather than line managers as under Working Links) examined cases from every Responsible Officer, totalling 157, a slightly higher number than the Inspectorate sample the previous year. All the cases would probably have started soon after February 2019 (it's unclear), so it would have been quite early for any of the management changes to have had any substantial effect on frontline practice.

For three of the four of the Inspectorate's "Domains" the team reported a slightly higher figure than in the earlier report, but never an improvement that could be called significant. The improved figures did cross some thresholds, though, so it was not unreasonable for the team to declare that instead of the previous ratings of three **Inadequates** and one **Requires Improvement** they had now found one **Inadequate** and three **Requires Improvements**. Some cautious initial encouragement, we could call it.

KSS did the right thing by aiming to shadow the Inspectorate's standards with their local inspection in late 2019. But looking at the bigger picture as at the autumn of 2020, it is unfortunate that it will probably be increasingly difficult for anyone to demonstrate in the next few years whether or not the quality of Probation practice in any area of the country is improving. Partly this is of course due to Covid19, and the changes in practice nationally since March 2020, though in principle a new benchmark could be set for and from 2020. There is also another potential danger. If new and enthusiastic managers and inspectors introduce into the 'standards' new detailed lists of elements of Probation work - "things we would like to see in every casefile" - practitioners may increasingly feel that composing their case records is becoming an obstacle course of ever-developing complexity. We think that a sharper focus on the three core purposes of Probation (see our Introduction) might be more helpful to practitioners while also enabling Quality of practice to develop.

Our very final comment in this section concerns the totality of all the performance data that we have been able to review. In short, we are not surprised to find that there is little definitive evidence at this stage of a marked improvement in operational performance at this time following the change of ownership in February 2019; however, despite the effects of Covid19, there were at least some encouraging indications, including for improving quality of individualised practice.

FIVE. Another look: the Staff Survey data viewed by management 'theme'

In this final main section we aim to relate the Survey responses to our presuppositions about what makes for effective management- we outlined those presuppositions in our Introduction. However, it has to be said at this point that since the total sample of the relevant KSS staff is so small, and also self–selected, we are unable to attribute much wider significance to what we have found – and, indeed, our findings here too are at best tentative.

In our plans we had hoped that respondents might offer a perspective on how well management had done, both Before and After February 2019, in relation to each of our management 'themes'.

So some Statements in the Survey were planned to be related to our presuppositions as follows:

Statement 10 being about	**Define**
Statement 11 being about	**Desire**
Statement 16 being about	**Design**
Statements 14,15,18,19,&20	**Deploy** (its various aspects)
Statements 1-9,12,13,17&21	**Positive 'supervision'** of staff, formal and informal
Statement 22 (and 17 in part)	**Beneficial/effective service delivery overall**

Define:

To start therefore with Statement 10: The dropdown Statement asked whether the Company was ***clear*** what it wanted the staff member to ***achieve,*** while the followup comment that we invited from the respondent was for them to say what they thought that was. Formally this was a question concerning the respondent's perception and understanding of their employer's core purpose or policy.

From the average of the responses to the dropdown Statement 10, respondents claimed that they had a clearer view After February 2019 of what the Company to wanted them achieve. However, in the followup comments, they appeared to be clearer – in practice - when describing the 'Before' policy:

> *"Working Links wanted me to hit targets despite having a caseload of 80 plus, that was totally unmanageable it was all about the targets."*
>
> *"Very target / money driven. Not interested in the client or victim, just want targets hit."*
>
> *"I think they had a clear view but weren't honest with us about what is was, because it was about making the money for the contracts and reducing the spending."*
>
> *"Hit targets at any cost, often to the detriment of staff wellbeing."*

The respondent describing that last 'definition' above then went on to give the first 'definition' below, for what KSS required of staff, becoming perhaps the respondent who best grasped correctly and succinctly the focus of Statement 10 (most other comments below were either vaguer or critiques):

> *"Hit targets, protection of the public, prevent re-offending."*
>
> *"Still very clear what we are wanted to achieve, with an understanding we are all doing our best. No mention of financial penalties but targets talked about."*
>
> *"Guidelines keep changing re reporting frequency, … frequency of assessment, type of assessment…"*
>
> *"… managers appear to have a clear view of how work should be carried out."*
>
> *"It has been clear from the outset that KSS have a much better understanding of the work that Probation undertakes. Unfortunately Working Links didn't have much of an idea."*

On the one hand it seems that there was a more positive view by respondents of what KSS wanted than what Working Links wanted. On the other hand, we have found only a little evidence that KSS's Definition of 'success' was widely understood (assuming our single respondent above was correct).

Desire:

While Statement 10 was about the respondent's *perception and understanding* of what the Company wanted them to achieve **("Define")**, Statement 11 was about what the respondent ***felt*** about that **("Desire")**. Quantitively, the positive 'score' in favour of the KSS regime over its predecessor was by a bigger margin with Statement 11 than it had been with Statement 10. Furthermore, the free text responses received were almost all negative about the 'Pre-KSS' regime. However, for KSS itself there was quite a mixture of negative and positive views:

'Before' February 2019:

> *"The work I undertook felt of little value, considerable time was spent on producing information which was frequently not utilised with no acknowledgement of the totally laborious nature of the tasks at hand, it was soul destroying."*
>
> *"I often felt that the goals I was given were largely to save the company money rather than for the benefit of service user."*
>
> *"There was nothing positive about what the company wanted I would work flat out and felt I was achieving nothing I would go home feeling exhausted and even received phone calls from work on my days off I felt I never got any time away from the place."*

'After' February 2019 – As before, the last respondent above is the first respondent below:

> *"The company is still about hitting targets regardless of all the other work that I must do."*
>
> *"This seems like a one size fits all approach where a specific way of working works for all staff and service users. Our staff need the time to be able to work in a number of different ways with our service users; particularly those who take a long time to open up about their needs."*
>
> *"I agree that I feel positive about my role and what is expected of me - however I am in a dual role and struggling to maintain both expectations."*
>
> *"Yes - finally there was a positive strategic direction and a clear plan of how this would be achieved."*
>
> *"I feel positive and understand clearly what is expected from myself in achieving my day-to-day work."*

Although the positive feelings (**Desire**) in support of KSS's approach should be welcome to KSS, the negative comments should also be noted. The theme of disappointment that "targets" are still high on the agenda, and disappointment too that an overly rigid way of working is being imposed, appear both here and in responses to other Statements.

Design:

Statement 16 aimed to review the **Design,** and the organising, of how the work gets done ("work process") – i.e. Was/is the work being well organised? This time the quantitative margin in favour of the KSS regime was more modest. As we have shown in our earlier section, respondents commented frequently about the sheer quantity of work rather than on how it was organised – understandably, we'd accept. Some of the other comments, more relevant to this specific theme, appear here.

The 'Before' comments were again largely negative:

> *"Management was really poor."*
>
> *"There was too much work to organise."*
>
> *"Manager did her best."*
>
> *"… the culture was 'just get on with it' we were constantly told that things would get better but this never came. Meanwhile managers were being promoted and given plaudits which were on the backs of staff who were falling around them without any question as to why. I have worked in high pressure work environments all of my career but this has been something else with absolutely no breaks."*

"The only good thing that working links did was the Bournemouth HUB although they didn't like paying the quarterly rental bill and there was time when we have nearly been evicted."

"We were able to organise our work and that of the team to make it as manageable as possible within the circumstances."

"Less contact and reporting requirements to manage the caseloads on less staff [was] not defensible."

But the 'After' comments also included many criticisms that were not just about workload:

"See previous comments around changes in reporting/assessment frequency." [i.e. last quote above]

"Our team is spread out over a large geographical area and earlier this year was split into two separate teams for no discernible, operationally good reason. This has led to further difficulties with work allocation, as well as being isolating for team colleagues."

"I feel there has been a lot of extra formalities produced that have not been required."

"A stable manager quicker recruitment process [would help]"

"There have been difficulties because of the transition from one central admin hub to separate admin units. There was also a further split of duties locally which increased the difficulties. A task list has now been created which makes things a lot easier and clearer."

"It is getting better, but staff shortages cause many challenges."

"The work is organised better now as we have a lot more resources."

These comments show that a few staff thought that, despite the improvements, some of the new procedures, and some new restructuring, were not proving the best ways of getting the work done effectively.

Deploy:

All but one of the remaining Statements in the survey relate either to **Deploy** – provision of resources (material, technical, financial, 'human' i.e. staff) – or to the various aspects of managing/supervising staff in a positive manner. So we look next at **Deploy** with Statements 14,15,18,19,&20.

With each and all of these five Statements, the predominant free text comments were negative in tone for both Before February 2019 and After February 2019 too. However it should also be recalled that with the 'dropdown menu responses' the average aggregate quantitative 'scores' for each and all of these Statements were modestly but clearly 'in favour of' the 'After' regime under KSS.

For Statements 14&15, on workload, there were more adverse free text comments about the 'Pre-KSS' experience than there were about their KSS experience. High case numbers and high stress levels, plus late hours, were cited in the adverse comments for the period Before February 2019, in response to these Statements, and elsewhere, as we've shown earlier. For After February 2019 the small majority of comments reported that either matters had got no better, or they were too slow in getting better.

Statements 18-20 were about material and technical provision. As these are "hygiene factors", it is unsurprising that almost all the comments, whether for 'Before' or 'After', are negative – it is unusual for anyone to take the trouble to comment voluntarily that they have a nice office, or that their phone works, unless that's a novelty for them.

There were some 17 comments critical of office conditions, which it seemed had not been rectified following the changeover to KSS. A couple of respondents felt that KSS had made promises which had not been delivered. In contrast, two other respondents reported that provision was now much better following the arrival of KSS, though they were not specific how.

As we've shown earlier, IT and mobile phones were a particular bugbear for a number of respondents, and a couple of them stated specifically that IT provision had been better under Working Links. There were some 13 criticisms of either the provision or the functionality of phones and/or other IT

equipment, and if anything the tone of frustration was greater with the KSS regime, due in part to being a current stress for some, no doubt. Just one respondent asserted an improvement with KSS.

Yet, despite these and many other tangible criticisms of the provision of various resources, it was still the case that the 'quantitative scores' in the Survey distinctly favoured the post-2019 regime.

'Positive supervision':

We use this umbrella term here to cover all the actions and behaviours, both formal and informal, that promote a sense of a positive and 'enabling' tone to all staff. This was the theme of Statement 9, and most of the Statements before it, plus Statements 21, and 17 (partly).

Focusing principally on the 'tone' of people's experience of being managed, it was clear that there were two separate aspects to respondents' experiences and perceptions. Some commented on the feelings engendered in them generally from being employed first by Working Links and then by KSS, while others spoke more about their experiences of their immediate line managers. Of the first group, with these first examples below it is the same respondent reporting 'Before' and 'After' each time, most being explicitly much more positive about their experience of KSS:

> [Before] *"Staff morale was very low."*
> [After] *"Staff morale is much higher since KSS took over. I started to feel excited for the future and then we were told about the transition to the NPS."*
>
> [Before] *"I felt demoralised, pressured, unsupported and unappreciated."*
> [After] *"The improvement in support is so much better, although we are still so pressured, short-staffed and it takes so long to change/improve things. Management have become better at encouraging us."*
>
> [Before] *"Felt undervalued a lot of the time, hardly received any supervision etc."*
> [After] *"I enjoy working for SEETEC CRC, I feel valued for the job I do, receive regular supervision. I am not looking forward to going back to NPS."*
>
> [Before] *"We were never praised for work well done, I did not feel like I was listened to or that I had anything constructive to say, constantly chased for things we had not done - it wears you down."*
> [After] *"Definite improvement, good work is being recognised and fed back to staff, rather than the constant criticism. I feel like I am being listened to and genuinely helped to complete my work."*
>
> The 'dissenter':
> *[Before] "Previous managers made staff feel they were the most important resource."*
> *[After] "Recent managers seem overly target driven and not particularly worried about listening to staff and how they feel."*

The respondents who focused more on their experiences of their own individual line managers produced a more mixed bag of comments:

> *[Before] "My line manager tried her best to support and give reassurance within the restrictions we were bound by."*
> *[After]" I have little contact with my line manager and feel that there is limited understanding of my skills, abilities and background."*
>
> *[Before] "As a senior operational manager we continued to strive to create an enabling environment within the parameters we were working under. The staff group clearly demonstrated commitment to their vocation and worked tirelessly within the resource constraints we were subject to."*
> *[After] "The changes brought about by Seetec felt very much like the initial period before the previous parent organisation took over the CRC contract. The levels of motivation and engagement of the staff group were revitalised and staff at all levels were able to buy in to the vision and values of [KSS]."*
>
> *[Before] "I have always felt supported by my Line Manager."*
> *[After] "I still feel supported by my Line Manager."*
>
> *[General] "I have been supported both previous to FEB 2019 and after."*

Some other individual unpaired comments on management style/effectiveness, first for 'Before':

> *"Team spirit in admin good. Line manager was positive and supportive. SPOs vastly overworked. Never heard from the ACO. I was pushed to complete an appraisal but it never got looked at."*
>
> *"I think it was hard for there to be a good working atmosphere with the amount of work expected within each role under Working Links, there was frequently changing senior management, which was concerning. There was also an overall feeling of money being linked to almost all of our actions, which adds stress as a whole onto a management team, and this trickles down into staff below that."*
>
> *"Working links in my limited experience of them were target driven not service user driven, with the exception of one or two senior managers who were caught between a rock and a hard place."*

The equivalent comments for the 'After' period are again mixed. The first comment resonates with some other feedback from some SW staff, who felt that KSS perceived them to be staff who had previously been failing in their duties:

> *"The company repeatedly demonstrates a lack of trust in its employees. Additionally there seemed to be a belief that staff were doing nothing during this* [i.e. previous] *period when my team were working as hard indeed harder than ever whilst being treated very poorly."*
>
> *"I have no real formal supervision and have not received any feedback or minutes from supervision since I had the new manager. Team meetings are not very constructive and have no formal plan - again no minutes have ever been received."*
>
> *"My manager* [named!] *is fantastic and very supportive, and has a hugely positive effect on the whole team's morale.* [Two other similar tributes too]"
>
> *"Since SEETEC have taken over things have improved dramatically. Where I have put 3s above it is only because change takes time but SEETEC are definitely heading in the right direction. It feels like they value their staff."*
>
> *"The vision set out was laudable but has not translated in any meaningful way as to allow staff to do the quality work we are all capable of. I feel there should be far less investment in additional layers of business management and contract compliance and far more investment in face to face work."*

The Diversity followup question after Statement 17 referred both to "service delivery" and to the "internal workings" of the organisation. The few comments made were solely on internal workings, and we've cited most of them already. For the 'After' period there was once again a mixed bag.

'Before':

> *["No mention made" … "The office was not DDA compliant" … "They did not care about their employees."]*
>
> *"No allowance in training for those with differing abilities"*

'After':

> *"Office was still not DDA compliant until we lost it suddenly."*
>
> *"All managers are white and black and minority ethnic workers in my team routinely have higher workloads."*
>
> *"I asked before I actually joined if the Association of Black Probation Officers still exists and no-one seems to know... Black History Month info has been dispersed yet in our team meeting when I asked about how we are integrating the wider agenda I was told we are here to do our jobs and if we want to do additional reading that's up to individuals."*
>
> *"I agree with the above statement* [i.e.17] *based on my experience of the completion of ELearning to date."*
>
> *"From what I have witnessed there has been no isms affected everyone is treated as a person and equally."*

Overall, these comments, plus those from our staff interviews, illustrate for Before February 2019 a largely but not wholly negative perception of management behaviour corporately, while for the regime After February 2019 there was a more positive perception – though very much a mixed bag.

Effective service delivery:

Statement 22 focused specifically on perceptions of whether management benefited the work with "service users" - the followup question invited further elaboration. Understandably, many made the link between high caseloads and diminished quality of service, but some wider points were made too. Re Statement 17, we were not able to identify any comments that specifically addressed whether or not any "service users" were being improperly disadvantaged in the service they were receiving. Some of the comments below have been drawn from responses made elsewhere in the Survey.

'Before':

"Lack or resources/care for staff impacts upon work with SUs."

"Short staff. low morale. high workload for targets. little time for SUs."

"Emphasis was placed on making savings rather than providing a quality service for our service users. Efficiencies were in my view dangerous."

"Any positives were down to the staff and not the company."

"I believe the high caseloads being managed by OMs made it difficult for them to work with su's in the way required - equally, it was difficult for a consistent and effective service to be provided."

"The service users were affected by having insufficient resources, ie lengthy waiting lists for programmes and UPW [Unpaid work / Community Payback]"

"Some of the service users saw how the staff was treated and they actually said if this is how they treat you what hope is there for us."

'After':

"There has been significant investment to increase staffing numbers and to improve office facilities in some places which saw unsuitable premises. This will only benefit the service users."

"Lowering caseloads has been good for service users."

"Much improved, although workloads are still too high to be able to devote as much time as you want with service users, especially the higher risk or higher need SUs."

"Because of the chaotic way working links run their company and what the s/u got away with it has been hard work pulling things around and having to explain the new ways."

"KSS have provided a much better environment for offenders in which they can change than was afforded by Working Links."

"I believe we are still on a journey, but definitely on the right journey. There is understandably a time delay in KSS making improvements. For example, they quickly identified the staffing shortages and put a plan in place to recruit staff to fill the vacancies - this process though is time consuming, to advertise, interview, for individuals to start in post and be fully trained/competent to take on caseloads."

"… based on my experience to date with the Management Team, and associated staff I have experienced a positive culture towards the service users."

"… I do think there's a greater focus on our Service Users, and what we can do in the community and empowering our teams to be innovative, without being solely focused on the financial aspect of our service and delivery…."

"… My recent experience under Working Links and KSS tells me that I don't necessarily need to know the model. I am able to have a positive effect on service users' lives despite the model."

Most of the comments therefore appear to have focused principally on the idea that more reasonable workloads for staff will make for better service delivery for the individuals under supervision.

Additional insights?

It could be said that our earlier qualitative analysis, in section **TWO** of this report, considered staff perceptions on their own terms, and assessed how far staff were 'satisfied' with how well they thought they were being managed. Staff satisfaction is indeed an important consideration, but it cannot be the only consideration. In principle, effective management is ultimately evidenced by operational performance, and we have therefore been seeking such evidence in sections **FOUR** and **FIVE**. Our discussion in section **FOUR** confirmed why our presupposition for Probation work, which we set out in our Introduction, is that operational performance is about providing a good individualised service with each case to aid that individual's desistance journey (i.e. "Do the Right Thing with the Right Individual in the Right Way at the Right Time"). Measuring that 'performance' needs to be about measuring how often that good quality individualised service happens.

Our Introduction also stated our belief that certain key managerial behaviours and actions are more likely to enable that good individualised Probation practice to happen. We therefore aimed to analyse how far these actions and behaviours were being witnessed Before February 2019, and again After February 2019, and so we have particularly aimed to focus on them in this 'Another Look' section.

For each of these criteria there is in general a clear picture – although there are always minority viewpoints – of a negative view 'Before', and a more positive if sometimes mixed view 'After', with the 'quantitative scores' in the Survey distinctly favouring the post-2019 regime.

KSS has perhaps done best on the ***Desire*** element, with most staff warming strongly to its overtly human values, even when they've been disappointed with some implementation issues. Probation staff will often 'attribute' more authority to managers who they perceive as genuinely showing the right values for the work (we touch on 'attribution theory' in the Appendix).

For the other elements, the picture is more mixed still. The clarity of ***Define*** has been obscured by the obvious discrepancy in focus between the "monthly targets" and most practitioners' aim to devise an individualised plan of work with each of their cases. With ***Design***, despite the overall positive 'scores', some respondents have suggested that KSS has sought to impose changes unsuited to local circumstances. As we've noted already, there are many criticisms of ***Deploy*** – principally with IT, but also with other resources – yet even here the 'quantitative scores' are on balance positive. With ***Positive supervision***, there are some examples of staff who have been disappointed in their own line manager, but once more the bigger picture is on balance positive. As for effective service delivery, more staff seem to have been encouraged than not.

Yet in view of the low representativeness of the sample, and also in view of the tangible nature of some of the minority viewpoints, we would be wise to avoid heroic conclusions. At best we can only say that we have found some tentative indications that the actions and behaviours of KSS management since February 2019 are those that might make good individualised Probation practice "more likely to happen".

SIX. Conclusion:

We have entitled this study *Private v "Private"?* partly because at an obvious level we have been comparing the effects of how one 'private company' was managing its service with the effects of how another 'private company' had been managing the same service previously. Within the very specific scope of this study, certain strong themes emerge from our analysis. It had been hoped that our findings might prove useful to future managers and planners of providers of Probation services.

So in terms of that specific scope, we can point to these findings:

- Within the three CRCs, perceptions by staff of the changes since February 2019 have been on balance mainly positive, although KSS would be wise to take seriously the areas of staff disappointment.
- External partners were broadly positive too about the new regime
- Evidence of improved operational performance is by necessity inconclusive at this stage, though there were some promisingly encouraging indications.
- For the future, staff who expressed a view indicated confidence in their own abilities, but some anxiety about their individual prospects for the imminent national changes expected in 2021.

This was, on balance, for KSS management a positive account. Some of the actions and behaviours of KSS managers could usefully be studied as specific lessons for future management practice. The approach taken by most of them seems to have been more patient and people-centred than that of their predecessors (there were perhaps exceptions). We have found some tentative indications that these actions and behaviours are those that might make good individualised Probation practice "more likely to happen" (ref our Introduction).

However, in our view, much more substantial 'lessons' arise from our study.

For example, we regularly see recurring comments in both the specialist and the nonspecialist media on the wider question of whether private ownership or public ownership of service delivery is to be preferred. Almost universally, most of the comment is in favour of the principle of public ownership, a viewpoint we largely share. But most of the debate that we see, discussing the mendacity of 'private owners', seems mainly to miss the point – which is that for practical purposes, ownership in itself is not really the critically important issue. The problem is actually with the contract, not the contractor.

For the critically important point is about how Probation is managed, not who does it. In this instance, on the basis of the evidence available to this study, one "private" company appears to have exercised better management practice than its predecessor company had been perceived to be doing. But both companies were trying to deliver essentially what the commissioning authority (the MoJ) was requiring of them – the key difference being that KSS had a different mix of 'risk' and 'reward' in their contract, which enabled them to exercise their somewhat more patient and people-centred approach.

Yet what was it that the MoJ was requiring of the companies? As we see it, the contractual obligations they placed on the CRCs were hopelessly misguided. We have explained in the main body of our report why selecting random plausible–sounding metrics and pressing them into service as 'proxy measures' for the overall soundness of Probation practice is an entirely fallible approach. Just because a number of "things that we would like to see happen in most cases" might be readily measurable does not mean that they are suitable to be elevated to the role of serving as 'proxy measures' for overall quality Probation practice. We are sympathetic to the fact that Defining what effective Probation practice should look like is difficult, but the drawbacks of employing plausible metrics for this purpose have been known for many years already.

If you've defined 'success' the wrong way, you will - at best – get the wrong kind of success delivered, a case of 'getting the job done although it's the wrong kind of job'. At worst, you don't even get 'the wrong kind of success' delivered. Frankly, some of the criteria by which the effectiveness of the

companies' frontline practice has been assessed by the commissioning authority have been ill-chosen, inept and absurd. It had a damaging and distorting effect on the ability of the provider's staff to focus on aiding the desistance journey of each of the individuals the provider was supervising – what we call *doing the Right Thing with the Right Individual in the Right Way at the Right Time.*

Therefore a sharply different approach to managing – "commissioning" – Probation is now required. And in the current period 2020/2021, as central government engages in the process of planning for a future 'reintegrated' version of the National Probation Service for 2021 onwards, there are therefore some further potential key lessons from our study that can not only be learned but also used.

The preliminary lesson is that ***strategy comes before structure***. Decide and specify clearly what the Service is expected to achieve (***Define*** the 'success criteria') before anything else. Finely crafted phrases of intent and noble aspirations are insufficient here.

The main lesson, however, is to appreciate in full the people-centred nature of how Probation work gets done. Most of the key work is undertaken by autonomous practitioners interacting with the individuals being supervised, while not being directly overseen as they actually do that work; so in that sense Probation is a 'frontline' organisation, in the language of organisational theory. Collectively, Probation staff need to be managed as a "professional assemblage", in the words of Henry Mintzberg - we discuss this in our appended discourse on assessing management effectiveness.

Once that is appreciated, it becomes obviously essential that managing Probation work must adopt at its heart ***a people-centred approach*** – not just in terms of rhetoric, but in all the practical ways in which the work process is designed, measured and resourced. It is about looking at the job from the perspective of the people who do the operational work – the practitioners and support service people and their 'frontline' managers – and starting the planning process from there.

It is clear from this study that many of those operational staff knew that their "monthly targets" were a nonsensical distraction from the human tasks that they were undertaking every day, and many more found the size of their workloads to be even more nonsensical. This is why such a sharply different management strategy is now necessary. Top managers will be better able to "take their people with them" if not just their rhetorical communications but also all their formal and informal actions and behaviours are seen by all as being properly consistent with the core Probation task of aiding the desistance journey of people who have offended.

It is beyond the scope of this study to present such a prescription in full for how to do that, beyond our brief outline in the Introduction, so a separate paper to set that out will be published shortly.

Finally:

But we conclude by returning to the key question for this study. We aimed to assess whether the new management of these three CRCs since February 2019 – KSS -were behaving and acting in ways that might make such good individualised Probation practice more likely to happen than before. We certainly found lessons for KSS to take seriously concerning staff disappointment in a number of areas, notably over training and provision of IT. But overall:

- We found that promising progress has been achieved by KSS in Wales and in the south-west of England since February 2019 – tentative indications that its management's actions and behaviours are those that might indeed make good individualised Probation practice "more likely to happen".
- This became possible because, when they succeeded their predecessors, KSS made sure of a good advantage of their particular 'low risk' mix of 'risk and reward' in their contract with the MoJ – they took the opportunity to adopt a more patient and people-centred approach.

For now, with yet another national reorganisation of Probation work in prospect for 2021, we wish every success both collectively and individually to all the staff and managers of these three CRCs.

AMB/SL/AS November 2020

Appendix 1: A brief discourse on assessing Management Effectiveness:

> "If we are to provide realistic and helpful advice on change, then our theories must continue to reflect the experienced realities of organizational members."[25]

This discourse offers a more substantial background to the thinking that led to the rationale for this study's methodology.

Essentially, the argument here is that what makes any management 'effective' is extremely complex. Over the years attempts have been made to identify and even codify definitively the components of effective management in some all-purpose fashion, and although the components have often sounded convincing they have quickly been found not to have had the universal applicability intended. Simply, there are different ways of 'doing management well', just as there are different ways of doing it badly – (rather like Probation practice itself as it happens). Yet despite all this uncertainty and ambiguity, it is possible to identify from academic studies and from practical experience the broad kinds of management actions and behaviours that have proved ***more likely*** to lead to success in a specific setting. In our instance, this means the specific management actions and behaviours that are *more likely* to lead to effective frontline practice in a Probation organisation. Some of these may also apply with some other organisations, and some may not, but for us there was a reasonable case – a 'working hypothesis' - for using them as a framework at one point in this study.

We start with a presupposition about management effectiveness – that the practice of management should not be seen as an 'end in itself'. It achieves its purpose *instrumentally*, by being a component – an "Enabler"[26] – in what the overall organisation is striving to achieve. So in the case of leadership and management,[27] the ultimate measure of its effectiveness is when it performs its Enabler role well enough so that the organisation's results are demonstrably good over a sustained period of time. That means that as a pre-requisite to assessing management effectiveness we ideally need to assess how well the organisation as a whole achieves its purpose – not a straightforward matter for Probation.

The difficulty here is that at a national level the very purposes of Probation, and the "results" it is required to achieve, have been frequently poorly defined, when defined at all. It's a well-reported phenomenon that when any organisation, not just Probation, is required to meet poorly thought-through targets, its managers and staff will often direct their energies to meet those targets, sometimes even by 'gaming the results', despite it putting at risk what many people thought was the 'common sense' purpose of that organisation.

We – and others – have in the past called this "Hitting the target and missing the point".

For example, in Probation work we as Inspectors have seen – in the past - unsuitable individuals under supervision referred for groupwork in order to meet quotas, assessments completed poorly to meet timeliness targets, and enforcement action not taken because taking such action would reduce the percentage of 'successful completions'.[28] This is not the place to explore that topic in more detail, other than to make the point that the centralised setting of apparently random inept 'performance targets' is counter-productive.[29] Rather, our main point here is to confirm that we need Probation's

---

[25] Stephen Fineman and Iain Mangham, "Change in Organizations", in *Psychology at Work*, ed Peter Warr (Harmondsworth: Penguin, 3rd edtn, 1987), 333

[26] In the language of the "Excellence Model" promoted by the European Foundation for Quality Management (EFQM). This is "a self-assessment framework for measuring the strengths and areas for improvement of an organisation across all of its activities" www.efqm.org

[27] Unlike some writers, we don't see these as separate contrasting roles; we see leadership as one aspect of management. Our view is perhaps in tune with Mintzberg (1973) and Stewart (1967) – see further below - who both viewed 'leadership' as "part of the managerial job": David Guest, "Leadership & Management" in *Psychology at Work*, ed Peter Warr (Harmondsworth: Penguin, 3rd edtn, 1987), 192

[28] This particular 'measure of performance' was known by most Probation people since the 1980s to be especially unsuitable and even counter-productive, but it has regularly been re-introduced as a target, "SL08", at central government level, most recently in 2015.

[29] See also Jerry Z Muller, *The Tyranny of Metrics* (Princeton: Princeton University Press, 2019 edition). He is careful to explain that it is the ***misuse and misapplication*** of metrics that is so destructive - some metrics are positively useful.

purpose(s) to be defined properly as a first step towards being able to assess the effectiveness of its management.

This 'lesson' has been known – though frequently not been acted upon - since the days of Peter Drucker, the writer credited with the idea of 'Management by Objectives' (MbO)[30]. The key point here is that the "objectives" need to be set *competently*. To this end, in the Inspectorate in the 2000s we defined three 'purposes' of Probation which we considered to be not only measurable – for inspection purposes – but also entirely in tune with what most Probation practitioners would recognise as being consistent with 'good Quality Probation practice'. These three separate-but-overlapping purposes for Probation have largely stood the test of time, and to date have been broadly retained in evolving Inspectorate methodology. We can therefore reasonably take these as our definition of 'success' for any Probation organisation (the "Objectives" in Drucker's terms), as our pre-requisite first step towards assessing Probation management effectiveness.

With the organisation's purposes/objectives clarified, what is the contribution that management can make that enables them to be achieved?

Since Frederick Taylor first advocated the idea of 'scientific management'[31] acres of material have been produced in the academic world, and in the world of commercial management consultancy, of what makes 'effective management' or 'effective leadership'.[32] Before Taylor, of course, military historians and strategists had sought to identify what had led to the successes of certain notable military or naval commanders. Yet it could quite reasonably be argued that careful analysis of past human performances based on 'single case' studies has rarely led to examples of subsequent successes achieved as a direct result of such learning, whether in the fields of war, politics, commerce or sport.

Whereas in the physical sciences the exercise of *scientific description* usually leads to reliable *scientific prescription* for effective future action,[33] in the 'human sciences' (any science involving whole human beings) the attempts to describe past human behaviour scientifically have rarely led directly to any reliable predictions or prescriptions for future human behaviour. In the case of management, as in other studies of human behaviour, the aspiration of evolving it into a *prescriptive* or 'reproducible' "science" has not happened, and indeed we suggest here that it is most unlikely to happen. This is because, to put it another way, the phenomena examined by the physical sciences have 'stationarity' whereas those examined by the human sciences are both variable and constantly evolving.[34]

For in the wider literature on leadership and management, it seems that there are too many different circumstances and contingencies for any 'simple' answer to this search to be found. For example, military enthusiasts and financial journalists, among others, often like to consider the individual person in charge as the key source of success – the 'leader as hero', or even "maestro". And individual cases can be made for the 'greatness' of Caesar, Napoleon, Elizabeth I, Henry Ford or Margaret Thatcher, although they all had their failures too, either through a lapse in judgement or because certain circumstances worked against them. But there is very little common thread to these 'heroic' personalities or strategies, because their contexts were so radically different.

Some of the classic autobiographical or personal works by various business leaders tried to focus on a few key qualities or aspects of the manager's job in order to be provide more specific explanations for success: Freemantle talked about "integrity", Harvey-Jones talked about "working through people" (and more), and Peters and Waterman were propounders of the McKinsey 7-S Framework, seven

[30] Peter Drucker, *The Practice of Management* (New York: Harper & Row, 1954)
[31] Frederick W Taylor, *The Principles of Scientific Management* (New York: Harper, 1911)
[32] E.g. David Freemantle, *Incredible Bosses: The challenge of managing people for incredible results* (McGraw-Hill, 1990)
[33] An obvious example is that engineers can use their scientific learning to construct a rocket that can take off from Earth and make a soft landing on a small comet. Their science is 'reproducible', and therefore genuinely *prescriptive*.
[34] Mervyn King & John Kay, *Radical Uncertainty: Decision-making for an unknowable future*. Little, Brown Book Group. Kindle Edition

interconnected elements that needed to be managed well.[35] Robert Townsend's creative quirky punchy plain-speaking didactive book was a particularly 'readable' read.[36] All these accounts, and others, sound entirely convincing, and clearly they each have content that has some merit, but do they – *could* they? – provide any kind of universal formula for management success?

Meanwhile alongside these personal accounts have been the academic or theoretical writers. In the early 20th century, these included Henri Fayol, who by introducing in 1916 the idea of the five basic managerial functions: planning, organising, co-ordinating, commanding and controlling, was credited with founding a "Classical School" of such writers.[37] Other subsequent "schools" of theoretical writers have been identified, with Frederick Taylor sometimes described as the father of "scientific" management, based on looking at the then-new factories and their production methods, e.g. Ford's.[38] In 1954, Peter Drucker referred briefly to management having become a "new basic institution", as if it were already a new discipline in its own right.[39]

But by then the academics were already arguing, as ever, over how to turn scientific *description* into *prescription* – i.e. what lessons managers should be learning about how to do their jobs better in future. For example, Taylor's theories were now seen by some as being extremely top-down (which indeed they were), treating most employees as mindless components of the overall machine (perhaps an unfair interpretation), and so alternative ideas of 'participative' management were actively promoted by writers such as Likert.[40] He in turn was criticised for suggesting that his proposed approach had universal application.

Then from the mid-20th century, two developments prompted the desire to establish a more sophisticated 'science' of management in some quarters.

One development was the series of studies of how managers actually spent their time in reality, as opposed to how some of the writers such as Fayol thought they spent their time. Sune Carlson's 1951 Swedish study was a very early example, with Rosemary Stewart providing a British study in 1967, and Henry Mintzberg a North American one in 1973[41]. A useful overview of this research was captured by Mintzberg in 1975, reproduced in 1987[42]. They all found that the managers they studied led much more fragmented days, and were involved in a much wider range of daily tasks than 'simply' planning, organising, co-ordinating, commanding and controlling.[43] These studies did not of course in themselves explore the question of management effectiveness, but they fed in to the other related development of this period, which was an acceptance that different organisations might very well need very different management approaches.

The proposed new 'scientific' study of management was to be a "contingent" approach, which we might call 'situational', or one of identifying 'horses for courses'. The Canadian professor Henry Mintzberg was at one time a keen proponent of this approach. His aim from 1968 was to build a

---

[35] David Freemantle, *Incredible Bosses* (McGraw-Hill, 1990), John Harvey-Jones, Making It Happen (London: Collins, 1988), Peters & Waterman, *In Search of Excellence* (New York: Harper & Row, 1982), 10

[36] Robert Townsend, *Up the Organization: How to stop the company stifling people and strangling profits* (London: Michael Joseph, 1970)

[37] Henry Mintzberg, *The Nature of Managerial Work* (Englewood Cliffs: Prentice Hall, 1973), 8-9

[38] FW Taylor, *The Principles of Scientific Management* (New York: Harper, 1911) - His focus was on making work processes more efficient. He denied that it was about "over-working" workers, but the 'time and motion' studies done in his name in the mid-20th century gave him perhaps an unfairly negative reputation.

[39] P Drucker, *The Practice of Management*, Preface (New York: Harper & Row, 1954), quoted by Antony Jay in *Management and Machiavelli* (London: Hutchinson, 1987 revised edtn), 14-15

[40] R Likert, *New Patterns of Management* (New York: McGraw-Hill, 1961). Also credited with inventing the Likert attitude scale, as used for this report.

[41] Sune Carlson, *Executive Behaviour*, (Strombergs, 1951); Rosemary Stewart, *Managers and their jobs* (Macmillan, 1967); Henry Mintzberg, *The Nature of Managerial Work* (Harper & Row, 1973)

[42] Henry Mintzberg, "The Manager's Job: Folklore and Fact", in Pugh, DS (ed), *Organizational Theory: Selected Readings*, (Harmondsworth, Penguin, 1987), 417-440

[43] Feedback to Mintzberg: "You make me feel so good. All this time *I* thought I was doing something wrong. While I was constantly being interrupted, *they* were all planning, organizing [etc]", Preface to the 1980 2nd edtn of *The Nature of Managerial Work* (Englewood Cliffs: Prentice-Hall)

comprehensive theory of what he called Management Policy, all of which was to be a "grounded theory", i.e. rooted in data and grown from research, so that it would be the best descriptive theory possible. He intended that practising managers and analysts etc would then be able to use it to improve their "policy making" (management work) – i.e. his descriptive theory would be used *prescriptively*:

> "I believe that the best prescription comes from the application of conceptual knowledge about a phenomenon *in a specific and familiar context*. To me, good descriptive theory in the right hands is a prescriptive tool, perhaps the most powerful one we have."[44]

By 1980 he had two volumes of his magnum opus published (potentially eight volumes), and was explicitly declaring that "… it will take considerable time to develop a true science of managing". At that point it seemed he expected that management could become both a descriptive and a prescriptive 'science'.

In 1983 Mintzberg's aspiration seems to have changed. Following up his earlier *Nature of Managerial Work* and *The Structuring of Organizations* with his planned third, even larger, work *Power In and Around Organizations,*[45] there was now no more talk of 'scientific management' other than in a single footnote on Frederick Taylor. In the Preface Mintzberg announced that this was a book about "many things" instead of the previous two volumes which had each been about "one big thing". And no more of the planned volumes were published for the 'Management Policy Series'.

He has published many successful further books since 1983, most of which focus on the importance of practical learning for managers and/or on debunking the excessive claims by some MBA courses.[46] The theme has still been about using the right approach in the right context – horses for courses – but the sheer variety and complexity of all the organisations he has studied seems to have defeated his earlier aspiration to establish a single unified prescriptive theory of how to apply the right horse to the right course.

We can similarly note that some other attempts to establish prescriptive theories also floundered. For example, on the subject of "leadership" some 'contingency theories' moved on from studying leadership styles 'in isolation' to the promising idea of looking at leaders' interactions with others – subordinates and customers. After all, in different settings and circumstances the action or behaviour of a manager may well need to be different. Yet when certain attempts were made to prescribe to managers how to make a decision in all possible different circumstances these were defeated by the sheer quantity of variation in those potential circumstances.[47] Analysis became even more complicated when testing more 'motivational' theories, where managers had to be more adaptable in style, because then it was arguable how far a manager had 'led the group' and how far s/he had adapted to the group.[48]

Almost certainly, therefore, we can conclude that a single unified prescriptive science of management, even employing a contingency approach, is not going to be achievable. Yet we, like many recent and contemporary academic writers and researchers, consider that some lessons for practising managers can still be drawn from available research.

We infer that it was for this purpose, to achieve some accessibility for currently busy practising managers, that Mintzberg moved away from producing substantial scholarly tomes and towards

---

[44] Mintzberg, Foreword to 'The Theory of Management Policy Series' (1980). It is perhaps not surprising that an engineering graduate would aspire to elevate this new 'science' into a *prescriptive* science.

[45] Mintzberg, *The Structuring of Organizations: A Synthesis of the Research* (Englewood Cliffs: Prentice-Hall, 1979); *Power In and Around Organizations* (Englewood Cliffs: Prentice-Hall, 1983)

[46] Mintzberg, *Managers Not MBAs: A Hard Look at the Soft Practice of Managing and Management Development* (Berrett-Koehler, 2005)

[47] Guest describes how the elaborate decision-tree devised by Vroom and Yetton, designed to guide a manager as to which approach to take to which type of problem, was so complex as to defy any means of verifying it empirically. David Guest, "Leadership & Management" (1987), 186

[48] Guest's (1987), 189, review of the testing of a 'transactional analysis' model approach

finding ways of reporting his research findings in shorter publications, often with quirky titles. In the modern era he moved on to blogs of course. In his typology of five different types of organisation, the one he called in 1979 a "Professional Bureaucracy"[49] he renamed in 2019 a "professional assemblage"[50] and gave it a much punchier description. The learning to be gained from it is still the same, because as a theoretical concept it was one that emerged from grounded observational research. And its implications for finding better ways of managing Probation properly are very clear.

For Probation quite evidently fits the 'professional bureaucracy/assemblage' type, a structural configuration that is "common in universities, general hospitals, school systems, public accounting firms, social work agencies, and craft production firms. All rely on their skills and knowledge of their operating professionals to function; all produce standard products or services."[51] This type of organisation requires standardisation of skills rather than standardisation of work processes;[52] its strength is in the training and skill levels of its "operating professionals" and its weakness is when there is ambiguity – or even downright disagreement – over what specifically each practitioner is striving to achieve. If it is not perceived by others as being 'successful', it is vulnerable to external interference.

The tasks and skills required of managers differ for each of Mintzberg's types of organisation, so the job of managing in a professional bureaucracy/assemblage accordingly has its own specific challenges.

One particular example is the problem of dealing with external interference. Mintzberg's 1979 description of "Dysfunctional Responses" seems a very telling portrayal then of how not to run a Probation organisation in the 21st century: he said that "they" try to control the work of the organisation using "direct supervision, standardization of work processes, or standardization of outputs." This means direct regulation of how time at work will be spent, detailing every step in how every job will be carried out, and counting outputs of things that may be irrelevant or even counter-productive.[53] Do we need to observe that such an approach plainly doesn't work? It 'didn't work in theory' in the 1970s, and it plainly didn't work when it was tried in various ways in the Probation world in the early 21st century. If the managers of Probation in the 2020s are to maintain any way of accommodating Government and public expectations while managing their organisation(s) in a way that is appropriate for a professional assemblage they will have to make use of the skills, behaviours and actions that are the right ones for this particular type of organisation.

Critically, a professional bureaucracy/assemblage, such as Probation, will remain particularly vulnerable to external pressures while it remains *fatally unclear what it's for*. Clarifying its *definition of doing its job well* – the three purposes in our view – won't instantly eliminate this problem, but it will make that problem more manageable. Staff can focus on a clearer definition of 'Quality practice' (while retaining individual judgement about how to achieve it with each case), and external 'stakeholders' can be clearer about what to expect from Probation. With that established, there is then a basis for considering the question of the effectiveness of its management.

Mintzberg's 2019 comments on effectiveness are salutary. On one level, they are almost anodyne, but on another they capture the general theme here that context and circumstances can vary so much that hard and fast prescriptive lessons for managers are almost impossible to identify. It is particularly striking to note that an academic who sought from 1968 to establish a comprehensive prescriptive theory of management policy, grounded in empirical research, has by implication concluded from all that research that no such thing is possible. For that reason, while other eye-catching 'gurus' might articulate helpful or plausible tips for others, based on personal experience, Mintzberg's conclusions

[49] Henry Mintzberg, *The Structuring of Organizations* (Englewood Cliffs: Prentice-Hall, 1979), 348-379
[50] Henry Mintzberg, *Bedtime Stories for Managers*, 54-6
[51] Henry Mintzberg, *The Structuring of Organizations* (Englewood Cliffs: Prentice-Hall, 1979), 348-9
[52] "Standardization of work processes" is instead a key characteristic of a Machine Bureaucracy. *Structuring*, 314-347
[53] Henry Mintzberg, *The Structuring of Organizations* (Englewood Cliffs: Prentice-Hall, 1979), 376-8

are perhaps not what he originally expected, but they are at least drawn from that lifetime of wide practical research.

On the subject of "The Tricky Task of Measuring Managing" Mintzberg briefly asserts six propositions.

1. "Managers are not effective; matches are effective" – success depends on the match between the person and the unit
2. "There are no effective managers in general" – none succeed in all their jobs; managers and their units succeed and fail together
3. "To assess the effectiveness of a manager, you also have to assess the effectiveness of the unit being managed" – (we agree) - BUT:
4. "You also have to assess the contribution the manager has made to that effectiveness" – was the unit's success 'because of' or 'despite' the manager's contribution?
5. "Managerial effectiveness also has to be assessed beyond the unit, even the organization" – what if the unit's success is achieved at the expense of the wider organization, or even the wider community itself?
6. "Managerial effectiveness has to be judged and not just measured"[54]

This articulates better than we could the conclusions that we would draw from our own wide experiences of management and inspection in the Probation world alone. This is why we think it would be unwise to be too definitive about what might forever constitute effective Probation management (or indeed any other organisational management).

However, the reason we can still draw on academic insights arising from research is not because we expect them to be definitive but because we accept in advance that they are specifically situational. This realisation is necessary because academics who analyse how people behave in organisations have found numerous additional variations in different circumstances, even between separate organisations of the same 'type'. These variations can arise from, for example, the various ways different managers portray themselves, and the 'mission' of the organisation, to their staff, or alternatively from the growth of the various informal ways that staff tell each other about 'this is the way things work around here'[55]. Even with ostensibly very similar organisations, such as the separate pre-2001 'county' Probation Services, we ourselves experienced notable changes in informal expectations and behaviours when we each moved from one 'county service' to another.

For ourselves, when we were inspecting Probation work in the past, we had reasons to be cautious about the judgements we made of the management teams, since we know from our own experiences that there is not one single approach to management that will lead to effective practice – there are different ways of 'doing management well', just as there are different ways of doing Probation practice effectively. Accordingly, in the past, as inspectors, when we set criteria for the management behaviour we were looking for when inspecting, we carefully avoided prescribing any of them as being definitive 'success factors' in their own right. We used the criteria solely for potentially *diagnostic* purposes, to see if they might shed light on the reasons for the scores we awarded for the quality of frontline practice.

Unless we can be sure precisely which management behaviours exclusively lead to good frontline practice – a most unlikely eventuality – it seems to us unwise to 'score' an organisation on the 'quality' of its management separate from any score for its frontline work. This is why it did not surprise us that the Probation Inspectorate has recently found itself awarding high scores to many Probation management teams, at the same time as awarding disappointing scores to Probation practice in the

[54] Henry Mintzberg, *Bed-time Stories for Managers* (Oakland: Berrett-Koehler, 2019), 87-90

[55] S Fineman & I Mangham, "Change in Organizations", 331. Calling it The Symbolic approach, the authors describe "the notion that individuals and groups within organizations devote considerable amounts of time to developing myths, metaphors, rituals and ceremonies, in order to render their existence less confusing."

same areas.[56] Now, it could be the case that the 'time lag' we mentioned earlier constitutes part of the problem (i.e. it takes some time for management action to affect frontline practice, and then some more time needs to elapse for improved practice to become evident) – but it would be unwise simply to assume that that would explain away the whole problem. With so many variations in circumstances, even in Probation, it remains very difficult to identify in general terms which managerial actions and behaviours actually make good clearly-defined organisational results more likely to happen. Realising this also suggests that it is rather over-reaching the nature of human knowledge to codify specific management behaviours and actions for MBAs, NVQs, 'Excellence Models' or occupational standards - or even inspection standards and criteria – too definitively. We would suggest that a somewhat more modest approach might be wiser while still being productive.

Instead, we suggest that the academic canon at least gives us hypotheses to test and/or explore in the course of a project such as this one. Therefore we have aimed to explore concepts put forward by general theorists especially when they chime with our own experiences of the reality of Probation practice and how it is managed.

Accordingly for this report we take as our starting-point the hypothesis that a Probation organisation is a 'professional bureaucracy' that is required to achieve 'evidenced success' – and that the separate-but-overlapping 'three purposes' we outlined earlier constitute how that is, or should be, defined for Probation. Those three purposes have largely stood the test of time under the evolving inspection regimes of the last twelve years or more, so this seems reasonable. If managers want them to be achieved in what is necessarily a professional bureaucracy it is logical for them to Prescribe that achieving the Three Purposes is how success is being Defined, but to choose ***not*** to prescribe how each practitioner is to go about achieving it. Instead, a combination of resourcing, equipping, training and in other ways enabling and encouraging practitioners is required from managers, so that that definition of 'Quality practice' becomes more likely to happen in reality.

From that starting-point, we have then taken note of other insights on the subject of management from the academic of research canon.

In the 1980s, Peters and Waterman's *In Search of Excellence* was much in vogue, especially on management courses, although both the members and the leaders of such courses for Probation senior managers often struggled with how to apply the book's emphasis on 'staying close to the customer' in the context of Probation. However, it was productive to realise, after much thought, that for Probation the 'customer' who paid for each 'item of service' (Government), the 'customer' who commissioned each item of service (the various Courts), the 'customer' who actually 'received' each item of service (the individual who had offended), and the 'customer' who in principle was the intended beneficiary of the service (the community as a whole) were each four entirely separate parties - with very different interests - in the 'service-customer' relationship. A number of us who had our management training in the 1980s and 1990s started to appreciate the idea that all four 'customers' were parties with whom we as Probation managers might need to be employing our 'influencing skills' – more on those 'influencing skills' below.

The other ideas of Peters and Waterman could also be found to have some application to Probation. The authors emphasised productivity through people, and the importance of being driven by values – two obvious immediate parallels with Probation there, but ones which can easily be lost if taken for granted. And, based on examining 62 (mainly business) organisations, two other useful principles the authors identified were entrepreneurship and autonomy. Entrepreneurship in the Probation context could be taken for being creative in thinking about how to do things better (i.e. not *necessarily* about

[56] In its *2018/2019 inspections of probation services: summary report*, published October 2019, HM Inspectorate reported that of the 28 organisations (NPS regions and CRCs) inspected, three had been rated "Outstanding" for 'Leadership', of which all three had an overall rating of "Requires Improvement", principally due to disappointing case supervision scores. Of the other 18 organisations with the overall "Requires Improvement" rating, 14 had been rated "Good" for 'Leadership'.

always ‘doing new things’ altogether). Autonomy had historically in Probation been (arguably) a licence to ‘do whatever you think is best’, but the more modern application should in our view be – of course - to enable individual practitioners to decide for themselves how they go about delivering the prescribed objectives.

And, also of course, this won’t work if the objectives – the purpose(s) of Probation – have not first been prescribed. Without this, practitioners will continue working to their own ‘autonomous’ definitions of ‘Quality Practice’ – which may often be good, but can’t be evidenced in any aggregated way. And managers in turn will not have any means of demonstrating that they are managing effectively, even if they are, in a positive spirit, exhorting practitioners to use their discretion and to provide an individualised ‘Quality’ service. To become more effective those positive-spirited managers will need to be more specific in defining what that Quality service must be aiming for. The idea of ‘Managing by Objectives’ (MbO) has been put into practice so badly on so many occasions in public services that it is hard to remember that in principle it is nevertheless an essential component of effective management.

This links straight into the core approach advocated by John Adair, where Achieving the Task constituted one of three overlapping management tasks, alongside Building the Team and Developing the Individual – an overall approach that some of us have found exceptionally useful in practice when monitoring our own progress in our own past managerial roles. Adair’s model helpfully highlighted that managers shouldn’t be choosing between whether to be task-oriented or people-oriented,[57] but should be trying to balance these aspects in order to achieve ‘productivity through people’ (in Peters and Waterman language).

Adair’s model also drew attention to the need to view as separate considerations one’s staff-as-individuals and one’s staff-as-a-team. As any experienced manager can confirm, teams have a ‘life’ of their own, which will grow and change repeatedly over time, while the individual members will also be going through their own personal growths and changes. This opens up the whole subject of how people work together in organisations, and not always solely from the perspective of the manager(s).

Some of the writers on this subject can seem quite esoteric, such as one analysis of organisational behaviour as “theatre”, and of the types of language used by members of different organisations, which can be found in the works of the British professor Iain Mangham.[58] His stated intention was, at least in part, clearly to assist learning by practising “thinking” managers, but his insightful works have not proved to be particularly accessible to those busy managers in our opinion.

But he was definitely right in appreciating that ‘people management’ can’t simply be seen as a one-way relationship, as if it were a case of ‘active’ managers working with ‘passive’ staff. Quite frequently it can be seen that individual, or even groups of managers, have been found to be ‘successful’ in one context, but much less so in another. Sometimes that contrast in fortunes has been in what appears to be the same context - the same company, or same sports team – but there has been a change in personnel or team dynamics. It suddenly becomes relevant to take into account the question of ‘fit’ – was the success due to the right person being in the right place at the right time? Many of us notice this ‘common sense’ point being important in the world of sport, but now we have in the academic study of the business world Mintzberg pointing this out in the very first of his six Propositions cited earlier – he happens to call it “match”[59] rather than ‘fit’.

---

[57] John Adair, *Effective Leadership*, (London: Pan, 1983), and Mike Smith et al, *Introducing Organizational Behaviour* (Basingstoke, Macmillan, 1982), 170-2. Adair’s idea of ‘balancing’ focus on task with focus on people meant that a manager did not have to choose between being either one of McGregor’s “Theory X” (focus on task) or “Theory Y” (focus on people) type of manager, viz D. McGregor, *The Human Side of Enterprise* (New York: McGraw-Hill, 1960)

[58] E.g. Iain L Mangham, *Power and Performance in Organizations*, (Oxford: Blackwell, 1985), and Iain L Mangham & Michael A Overington, *Organizations as Theatre: A social psychology of dramatic appearances*,(Chichester: Wiley, 1987).

[59] Henry Mintzberg, Bed-time Stories for Managers 87

Logically, therefore, we have to look for whatever is the "contribution" that the manager brings to the "match" in terms of specific skills. Although some managerial tasks involve specific *practical* skills – planning and procurement etc – the key *social* skill needed for working with other staff would seem to be what are often called 'influencing' skills. This has been helpfully sometimes called 'taking people with you', which at least implies that it's not entirely a one-way process. In our view, in Probation that means getting staff to be clear what they are being asked to achieve, having staff actually wanting to achieve that, and for staff to have confidence in the advice, information, training and supervision provided by managers to help them achieve that.

Unfortunately, though, it is often the case that these 'influencing' skills and tasks have been framed in isolation, and solely from the perspective of the manager. Managers have been exhorted to 'motivate' their staff, by 'showing passion' and 'vision', and to employ communications professionals to assist them in this 'motivating' task. Both in job interviews and in inspections, managers are often invited to make presentations about their own 'people skills', as well as their other more technical managerial skills, and many have become very able indeed in giving a good account of what they do. Need we mention here that some people are better at 'talking a good job', especially in interviews, than they are at actually doing it?

For when assessing someone's 'people skills' the focus solely on the manager's apparent skills overlooks the obvious fact that we need to take into account the perspective of the people that the managers want to take with them – that is their own staff, and also that of their external partners. On this point some academics have rightly and helpfully pointed out, sometimes with research evidence, that management authority, or "leadership", is in practice largely something that is attributed by others. It is attributed for a variety of reasons, in various combinations in different circumstances – all aspects of what is sometimes called "attribution theory". An interesting further aspect of this theory is that some actions and 'mini-behaviours' of managers/leaders will often be interpreted by subordinates and others as "leadership behaviour" whether or not they were intended as such.[60]

These considerations might be less important in a factory-type setting, where each worker might be in the direct line of sight of the supervisor, and where deficient or deviant action might be spotted almost instantly, and therefore where direct command and control may be the most effective approach. But these considerations become critical in a dispersed setting, where managerial supervision is much more indirect, and where managers want staff to 'own' and 'internalise' the purpose(s) of the organisation, because they want staff to achieve management's objectives in settings not directly supervised, and also need them to exercise discretion in how they go about doing that.

One aspect of attribution theory is 'legitimacy', where staff attribute to their managers an intrinsic legitimate 'right to manage'.[61] In our experience this does exist to some extent in Probation, but historically it's not been a strong part of its 'culture'. Much more significant, in our view, is when practitioners feel that they can attribute a sense of 'shared values' – perhaps a 'culture of quality practice' – to their managers. This increases their desire to achieve what managers want, and sometimes improved performance becomes evident.

Of course, these staff will not buy this idea of shared values simply out of hearing their managers proclaiming periodically and loudly their belief in 'Quality'. Instead, staff will note each action taken by managers, and any related behaviour, and they will form a view as to whether it is consistent with the

[60] Mintzberg's research observations include, in the somewhat dated language of 1973: "Each time a manager encourages or criticises a subordinate he is acting in his capacity as leader. Most often, he does these things when he is engaged in activities that have other basic purposes – to transmit information or to make strategic decisions. But in virtually everything he does, the manager's actions are screened by subordinates searching for leadership clues. In answering a request for authorization, he may encourage or inhibit a subordinate, and even in his form of greeting, messages (perhaps non-existent ones) may be read by anxious subordinates." Henry Mintzberg, *The Nature of Managerial Work*, 1973, p61

[61] From their survey in five countries, AS Tannenbaum et al, *Hierarchy in Organizations* (San Francisco: Jossey-Bass, 1974), found this to be the main given reason for staff complying with managers.

claim. So any failures to resource properly, or to carry out promised actions, will undermine any desire to achieve the organisation's objectives.

This 'attribution theory' makes sense to us as being very relevant to staff-management relationships in Probation organisations in our experience. We can cite examples of where staff and managers have had a strong shared sense of what constitutes 'quality practice' and have also demonstrated strong 'performance'. We can also cite examples of where staff have felt alienated, or simply 'distant', from management and whose results were poor. However, it also has to be said that there is little generic research to suggest that achieving a high level of attributed authority *necessarily* results in the organisation also achieving good results overall, and we accept that. But, given our extensive experience of working in and around the Probation world, the 'attribution theory' considerations do at least suggest a plausible line of inquiry for a study such as this.

In the case of this study, a Company that was widely perceived as failing badly had its operations taken over by a comparable Company that was perceived as succeeding (even though Inspection results suggested that this success was only relative). Many changes took place as a result of that takeover, and indeed the 'new' Company also had to pave the way for further major changes in the near future. What indications are there that the Company's staff had 'bought into' the authority of the original Company to manage them? Did they then 'buy into' the authority of the new regime? Did they understand the objectives they were being asked to achieve (either before or after the changeover)? Did they want to achieve those specific objectives? (or at least a recognisable version of them?) Did they feel they were being equipped with the resources, facilities, ICT, training and support they needed to achieve them? Had the external partners of the Company experienced its managers as competent constructive partners? (and its staff as effective?) These and other questions, asked in an open-ended fashion, should reveal aspects of the Company's management that might well make the difference between achieving and not achieving good quality Probation practice – and we hope it has.

We had had to accept that with the intrinsic 'time lag' problem, and the timescale of our project, it was not possible for us to make the 'ultimate' assessment of managerial effectiveness – whether or not overall frontline practice measurably improved following the changeover. But we felt that we could still seek to identify whether or not the early indications of what we considered to be effective Probation management had been evident, either before or after the changeover.

And it also allows us to offer our own 'working hypotheses' about what is effective, based on the grounded research of what we have done and seen over the last 40+ years. Instead of allotting them some definitive status, we simply say that the managerial behaviours and actions that we have highlighted are the ones that we have found to be more likely to lead to effective Probation practice. To put it another way: Instead of seeing these behaviours and actions as achievements in their own right, we see them only in instrumental terms - as encouraging-looking 'Enablers', or steps towards a future destination of improved individualised Probation practice.

In addition, though, we have also recognised that perhaps the practitioners' perception and experience of their managers' actions is as relevant as that of any external 'observer' (or indeed that of the managers themselves), given that the delivery of the service is almost entirely in the hands of the frontline practitioner(s). This is why we've made two different 'cuts' of the staff comments.

It is in that spirit that we highlighted these behaviours and actions as the basis for reviewing how the management of the organisation was perceived by its staff, and some external partners, in two different periods in the life of that organisation. There is every good reason to believe that, if combined with prescribing a clear definition of what success looks like, managers carrying out these people-centred behaviours and actions well will very likely result in much more Probation practice meeting that definition of success. In this instance we happened to be looking at a 'private' Company, but in the Probation world this approach is of course equally applicable to a 'public' organisation.

References / Bibliography:

Adair, John. *Effective Leadership*. London: Pan, 1983.

Carlson, S. *Executive Behaviour*. Strombergs, 1951

Drucker, Peter. *The Practice of Management*. New York: Harper & Row, 1954

Guest, David. "Leadership and Management". In *Psychology at Work*, ed Peter Warr, 178-201. Harmondworth: Penguin, 3rd edtn, 1987

HM Inspectorate of Probation. *2018/2019 inspections of probation services: summary report*. HM Inspectorate of Probation, October 2019.

HM Inspectorate of Probation. *An inspection of probation services in DDC division of KSS.* HMI Probation, February 2019

HM Inspectorate of Probation. *An inspection of probation services in Kent, Surrey and Sussex.* HMI Probation, June 2019

HM Inspectorate of Probation. *An inspection of probation services in Wales division of KSS.* HMI Probation, July 2019

HM Inspectorate of Probation. *An inspection of probation services in BGSW division of KSS*. HMI Probation, September 2019

King, Mervyn, & Kay, John. *Radical Uncertainty: Decision-making for an unknowable future*. Little, Brown Book Group. Kindle Edition

Mangham, Iain L. *Power and Performance in Organizations*. Oxford: Blackwell, 1985.

Mangham, Iain L & Michael A Overington. *Organizations as Theatre: A social psychology of dramatic appearances*. Chichester: Wiley, 1987.

McGregor, D. *The Human Side of Enterprise.* New York: McGraw-Hill, 1960

Mintzberg, H, "The Manager's Job: Folklore and Fact". In Pugh, DS (ed), *Organizational Theory: Selected Readings*, Harmondsworth, Penguin, 1987

Mintzberg, H. *The Nature of Managerial Work*. New York: Harper & Row, 1973

Mintzberg, H. *The Structuring of Organizations: A Synthesis of the Research* Englewood Cliffs: Prentice-Hall, 1979

Mintzberg, H. *Power In and Around Organizations.* Englewood Cliffs: Prentice-Hall, 1983

Mintzberg, H. *Bedtime Stories for Managers*. Oakland: Berrett-Koehler, 2019

Moser, CA & G Kalton. *Survey Methods in Social Investigation*. Aldershot: Gower, 1971 edition

Muller, Jerry Z. *The Tyranny of Metrics*. Princeton: Princeton University Press, 2019 edition

Peters, T, and Waterman, R. *In Search of Excellence*. New York: Harper & Row, 1982

Pugh, DS (ed). *Organizational Theory: Selected Readings*. Harmondsworth: Penguin, 1987

Smith, Mike, J Beck, CL Cooper, C Cox, D Ottaway, R Talbot. *Introducing Organizational Behaviour*. Basingstoke: Macmillan, 1982

David Spiegelhalter, *The Art of Statistics*. Pelican, 2019

Stewart, R. *Reality and Management*. Macmillan, 2nd revision, 1985

Taylor, FW. *Scientific Management*. New York: Harper & Row, 1947

Van Maanen, John, James M Dabbs Jr, & Robert R Faulkner. *Varieties of Qualitative Research*. Beverley Hills: Sage, 1982

Warr, Peter (ed). *Psychology at Work*. Harmondsworth: Penguin, 3rd edtn 1987

Appendix 2: About the authors:

Andrew Bridges trained as a probation officer in Leicester, qualified in 1975, and his career as a practitioner and manager, which included prison secondments, then took him to Wiltshire, Gwent, and Berkshire, where he was Chief Probation Officer from 1998-2001. He moved on to the Inspectorate, where he was HM Chief Inspector of Probation from 2004-11. Since then he has undertaken advisory work for other organisations such as the Victims' Commissioner, G4S, Ingeus and KSS. Andrew was known from 1995-2001 as a national authority on increasing offender employment, and from 2004-11 on Probation's public protection role. He writes generally now on how to "make Probation work" effectively in practice.
Website: andrewbridgesprobation.com

Sally Lester qualified as a probation officer in 1981 and during her career worked as a practitioner, manager and head of a national public protection policy team. From 2004 to 2020 she worked in HMI Probation, latterly as Assistant Chief Inspector and head of National Probation Service inspection. She is now working as an independent consultant in the UK and in international criminal justice development projects. She is also an external member of the Parole Board review committee, a member of Greater Manchester Independent Police Ethics Committee and on the HMI Probation advisory board.
Email: sallylesterassociates@outlook.com

Andy Smith qualified as a probation officer in 1980 and worked as a practitioner, manager and as a policy advisor for the Association of Chief Officers of Probation. From 2002 to 2015 he worked in HMI Probation, latterly as Assistant Chief Inspector responsible for thematic inspections. He is now an independent criminal justice consultant who has worked with a number of probation providers promoting middle management development and practice improvement. He is also an independent investigator conducting Article 2 of the Human Rights Act Investigations at the request of the Secretary of State.
Email: andy161smith@aol.com