



JTUC03-22

Dominic Raab
Secretary of State for Justice
By E-mail

19th July 2022

Dear Secretary of State

Single Secretary of State's View

We are writing to you as the three recognised Probation Service trade unions to share our significant concerns over your recent decision to prevent Probation staff from making recommendations, in written reports and oral evidence, to the Parole Board under any circumstances. The ability to do so has long been a vital and valued part of the parole process, as reflected in the various reviews and surveys of those involved in the system over many years.

Your decision – taken without any consultation with relevant stakeholders in the months after the publication of the 'Root and Branch Review of the Parole System' in March 2022 – fatally undermines the Government's own stated plans to pursue a "professionalisation agenda" for the Probation Service. At the same time removing at a stroke the ability of Probation staff to offer crucial expert opinion in the arena of public protection, which they currently do on thousands of occasions each year.

The decision you have taken to prohibit Probation staff from offering recommendations on prisoner's progression and release severely endangers the ability of the Probation Service to protect victims of the most serious offences, and indeed the wider public, from the risk of serious harm posed by many individuals involved in the parole system. We offer the following as one of the starkest examples of the clear dangers your decision will unleash on the communities we serve in England and Wales.

Under the catastrophic change you have chosen to proceed with, only a small minority of cases each year will have recommendations presented to the Parole Board by a Secretary of State's Representative. What you do not appear to have comprehended is that the consequence of your decision is that in thousands of cases annually no recommendation will be offered to the Parole Board, unless it is from an individual commissioned by the prisoner's legal representative. At an ill-conceived and haphazardly executed stroke you have prohibited Probation staff from being able to explicitly argue the case against progression to 'open conditions'

and/or release on licence in the multitude of cases where it is the expert opinion of Probation staff that the risks posed by these individuals cannot be managed in such settings. Unfortunately, the clearly foreseeable consequences of this is that the number of prisoners absconding from open conditions, being returned to closed conditions, being recalled to custody and reoffending (including committing Serious Further Offences) will increase as a direct consequence of your decision in this regard. In addition to creating more victims this will also weaken the confidence which the public have in the criminal justice system and increase both public expenditure and the workload of various workers and agencies involved.

This is a truly momentous and dangerous shift in the field of Probation practice, one which brings with it a huge range of easily foreseeable harms such as the increased risk to previous victims as well as others in our communities, the destruction of public confidence in this part of the criminal justice system, increased Government expenditure, potential legal liabilities and significant staff demoralisation (leading to an exacerbation of the employer's current problems in recruiting and retaining Probation staff). The communications we have been provided with so far by HMPPS – such as they are currently available given the manner they have had to be rushed out and the lack of substantial detail available, both further consequences of your failure to engage in proper consultation on this substantive issue – are riven through with such a variety of contradictions and flaws that our fear is that, if introduced as planned, the parole system in England and Wales will be plunged into abject chaos. We would ask that lessons are learnt from the previous tragedy of the so-called 'Transforming Rehabilitation' reforms, where a predecessor of yours failed to listen to those with a wealth of knowledge and experience urging caution in that regard with all too disastrous consequences.

Given the significant concerns we have outlined here we again ask that these plans – such as they are currently constituted – are halted at this stage pending a meaningful period of consultation and engagement with the trade unions, as well as other relevant stakeholders.

We look forward to hearing from you, and as always would be pleased to meet with you at the earliest opportunity.



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General Secretary
Napo



Ben Priestley
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George Georgiou
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Cc: Amy Rees Director General Probation
Sonia Flynn Chief Probation Officer