

Efficiency spotlight report: The impact of recruitment and retention on the criminal justice system

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1. Foreword

In our 2022 report 'The impact of the Covid-19 pandemic on the criminal justice system– a progress report'¹, we concluded that most agencies had not been able to move into full recovery, even to their pre-Covid-19 position. As Chief inspectors, both individually and jointly, we have continued to voice deep concern about the difficulties facing the Criminal Justice System (CJS).

In this report we focus on recruitment and retention in the agencies that we inspect. We draw on evidence from inspection activity conducted by each of our individual inspectorates, both jointly and singly, of those we inspect: the police, the Crown Prosecution Service (CPS), the Probation and Youth Offending Services and the Prison Service. We set out the findings from our work, as well as cross cutting themes. We conclude by highlighting signs of progress as well as ongoing risks to the CJS.

An effective and efficient CJS relies on each of the organisations that contributes to it to have staff with the requisite skills, experience, capability and capacity to deliver their roles and functions within the wider system. We have found some worrying levels of inexperience across the CJS and in some areas significant problems retaining staff.

Recruitment and retention issues were not uncommon before Covid-19 and were deepened by the pressure of the pandemic. The aftershocks of the pandemic persist, particularly in the Crown Court. On 31 December 2019, prior to the pandemic, the number of outstanding Crown Court cases was 37, 981. On 31 December 2022, the number was 62,485, reflecting the challenges of addressing the backlog and strike action by the independent Bar during 2022. The backlog has continued to rise to an unprecedented high of 66,547 cases in the three months to 30 September 2023². This has an adverse impact on all those involved in the CJS.

It is increasingly necessary to ensure that all organisations have the right people with the right skills in the right places, to enable the CJS to recover and address the challenges and backlogs that remain. While we acknowledge the steps that have been taken to recruit new staff, we are concerned that the loss of experienced personnel offers limited opportunities for new starters to learn from seasoned colleagues. As a result, many find themselves navigating a high-pressure environment without adequate support and supervision to develop their skills.

Our inspectors have spoken to a wide variety of staff including practitioners, prosecutors, officers, managers and support staff across the CJS in 2023; their commitment and dedication has been clear to see. As it stands, however, we find staff grappling with heightened pressures, from the point at which a crime is reported through to detention in overcrowded prisons. The strain experienced by those working in the system inevitably impacts morale, staff well-being and absenteeism. This not only affects the quality of work within the system but also erodes public confidence, impacting defendants, witnesses and victims alike

¹ [The impact of the Covid-19 pandemic on the criminal justice system – a progress report \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/cjsi/progress-report-2022/)

² [Criminal courts - Courts data - Justice Data](https://www.criminalcourtsdata.gov.uk/)

2. Background and context

The Police

2.1. The Police uplift programme was intended to recruit an additional 20,000 police officers and extra members of police staff during the three years to 31 March 2023. Overall, the police achieved the target, recruiting 20,951 police officers.

2.2. While the target was achieved, the scale of such rapid recruitment has risks. The programme increased the number of police officers, but the attrition rate is high in the early years of service.

2.3 The issue of recruiting the right people and encouraging and supporting them to stay in the service therefore needs to be addressed. The reasons for officers leaving needs to be better understood and interventions put in place earlier. Forces need to prioritise workforce retention. Better data and recording will help.

2.4 The lack of detectives is a persistent and long-standing issue. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) have made recommendations to address this, however, the problem remains.

The Crown Prosecution Service

2.5 The CPS has a clear strategy for recruitment, induction, succession planning, development and retention of staff including prosecutors.

2.6 In 2019, the Government announced that the CPS would be allocated £85 million of additional funding over a two-year period to recruit new prosecutors, paralegal staff and caseworkers in response to plans to recruit 20,000 additional police officers. The CPS set itself a target to recruit an additional 390 prosecutors. In 2020-21 the CPS externally recruited 376 legal staff.

2.7 The CPS also set out its support of the Government's target of employing apprentices as part of their work force, offering apprenticeships in paralegal work, business administration, human resources and finance as well as designing a six-year solicitor apprenticeship in conjunction with Nottingham Trent and City of Law universities. The CPS currently has 57 solicitor apprentices in post with the first ever due to qualify this year as part of a long-term strategy to 'grow their own' legal expertise.

2.8 His Majesty's CPS Inspectorate's (HMCPSI) series of Area inspections (inspections of the 14 geographical Areas of the CPS) throughout 2021 and 2022³ highlighted the impact of the pandemic on staff movement with most Areas reporting high turnover during and after the pandemic. While there was significant recruitment, many Areas experienced a loss of experienced prosecutors. Many senior crown prosecutors moved into other legal roles in leadership and management, legal training and specialist prosecutor roles. The result of this was a reduction in overall experience. Some Chief Crown Prosecutors told inspectors that

³ www.justiceinspectorates.gov.uk/hmcpsi/our-reports/

the effect of the additional funding would allow them to maintain the status quo given the unexpected impact of the pandemic.

2.9 New recruits largely joined magistrates' courts teams leading to movement and rotation of more experienced prosecutors to deal with the more complex Crown Court and rape and serious sexual offence cases. While positive in terms of development and long-term gain, in the short term it added to the level of inexperience across the teams. It also placed additional pressure on the more experienced prosecutors and managers to mentor and develop the less experienced while also dealing with increased caseloads of the more complex work. HMCPSI reported on the adverse impact this has had on casework quality⁴.

2.10 The CPS has continued to recruit and at the end of August the legal vacancy rate across the CPS geographical Areas (excluding the specialist casework divisions such as counter terrorism) against their funded position was 3.6%. This is the budgeted position rather than the number of prosecutors the CPS suggests is needed to deliver an effective prosecution service. Issues remain with levels of experience and the inherent risks of inexperienced staff assisting and mentoring other inexperienced staff, as well as the further projected loss of a significant cadre of experienced prosecutors through retirement, given the age profile of the senior crown prosecutor cadre.

The Probation Service

2.11 Since the start of probation inspections in 2021, the inspectorate has continued to see staff shortages across practitioner grades. This has negatively impacted on the delivery of a high-quality service for people on probation. The majority (69%) of probation services inspected in the most recent cycle (July 2021 to August 2023) have been rated as either 'requires improvement' or 'inadequate' against the inspectorate's staffing standard.

2.12 In response to the operational pressures which the Covid-19 pandemic presented, including significant reductions in staffing due to illness, the Probation Service introduced a Prioritising Probation Framework (PPF) in March 2020, a mechanism which attributes a RAG rating to a probation delivery unit (PDU) based on staffing levels and workloads. If a PDU has less than 60% of its target headcount, then it can apply for 'red' PPF status. The PPF was introduced as an interim demand management framework, acknowledging the significant staffing gaps in some areas following the unification of the National Probation Service and Community Rehabilitation Companies. Depending on their RAG rating, the PDU will be expected to focus its resources on agreed priorities at the expense of other business activities, for example, face-to-face appointments could be restricted only to high-risk cases. Recovery from the Covid-19 pandemic and the effective implementation of the unification of the Probation Service have been affected by staff shortages, among other factors.

2.13 Prior to unification, Community Rehabilitation Companies (CRCs) did not publish their staffing data, meaning that the shortfall in probation practitioners was not known until after the service had unified. But as part of the unification of the Probation Service, His Majesty's Prison and Probation Service (HMPPS) did have a good understanding of the staffing position. To fill these gaps in the beating crime plan, the Government committed to hiring a further 1,500 trainee probation officers in 2022-23, with 1,514 trainee probation officers starting the Professional Qualification in Probation (PQiP) training. Despite this recruitment

⁴ www.justiceinspectorates.gov.uk/hmcpsi/our-reports/

drive, probation inspections have repeatedly shown that almost all the PDUs inspected have struggled with understaffing. While the recruitment drive is now starting to make a difference in terms of numbers, with the number of practitioners increasing over the past 12 months, it is clear that there are still further staffing challenges which are impacting the service.

2.14 Across inspections of probation services since 2021, there have been consistent themes around staffing including high vacancy levels, high sickness and resignation rates, poor management oversight, unmanageable workloads, vetting delays and challenges around the return from remote working. As a result, key recommendations have been made around (i) recruitment – specifically, sufficient resourcing, support and improved vetting processes (ii) retention of staff, through understanding reasons for leaving (iii) improving management oversight and (iv) addressing a newly experienced workforce through training and development.

Prisons

2.15 As with many areas of the CJS, prisons experienced acute staffing challenges, with a devastating effect on the delivery of good outcomes for prisoners. Inspectors found far too many prisons continuing to operate greatly reduced regimes in the last year. This meant that prisoners remained locked in their cells for long periods of time without the purposeful activity that would support a successful reintegration back into society at the end of their sentences.

2.16 Insufficient officer numbers have been a primary reason given by prisons for the lack of regime, but other reasons have included, industrial relations, overcrowding and poor delivery by prison education providers. However, despite these factors that can make it more challenging to implement a full regime, it is important to acknowledge the role of leadership in navigating these obstacles. When we inspected jails where strong leaders had ambitious plans to get prisoners out of their cells, there was drive and momentum to get back to pre-pandemic levels of activity.

2.17 The staffing challenge was not confined to frontline officers but extended across all services, including health, education and offender management. Despite many prisoners being desperate to get into workshops or education, insufficient staffing, combined with over-complicated and slow allocation processes meant that they remained in their cells, leaving teachers and tutors in almost empty classes and workshops.

2.18 While there have been some recent increases in the number of prison officers, much of this progress has been as a result of over-recruitment in the north of England. This means prisons in East Anglia and the south of England are reliant on officers being bussed down from the north to bolster numbers.

3. The current position

Recruitment

3.1. The police, the CPS and the Probation Service have all successfully recruited over the past two years and seen a resultant increase in staff in post. The prison service has also recruited but less successfully; the difficulties in recruitment broadly attributable to the current employment climate and market forces, but evidence from inspections also indicated other factors, including a negative prison culture, lack of management support and unmet expectations about the nature of prison work.

3.2 The current government made a manifesto commitment to recruit an additional 20,000 police officers in England and Wales, over a 3-year period to 31 March 2023. Police forces were also required to backfill any leavers throughout the duration of the campaign. 20,947 additional officers were recruited during the three-year period⁵. The State of Policing: The Annual Assessment of Policing in England and Wales 2022, published June 2023,⁶ highlighted that to recruit the extra 20,000 officers while replacing leavers, meant that more than 46,000 additional officers were needed.

3.3 On 31 March 2023, Police workforce data⁷ showed 233,832 full time equivalent (FTE) police workers (including officers, staff, designated officers i.e. Police Community Support Officers, investigating officers, detention officers and escort officers) were employed by the 43 territorial forces in England and Wales. This was an increase of 3.8% (8,603) on the previous year. The highest number of paid police workers on record in England and Wales was in 2010, where the number was 244,497.

3.4 Of these police workers, the 2023 data showed 147,430 FTE police officers (149,566 in headcount terms), a 5.1% increase from 140,228 officers in 2022. This is the highest number of officers, on both an FTE and headcount basis, since comparable records began (in the year ending March 2003) and is 3,661 FTEs (2.5%) higher than the previous peak of 143,769 FTE in March 2009.

3.5 The Police Uplift Programme (PUP) is responsible for national recruitment advertisements and content guidance to forces. Some forces run their own advertising campaigns. To recruit and retain officers, it is vital that the role and range of opportunities within policing, specifically in the early years of a career, are both accurately reflected in advertisements and recruitment information.

3.6 The results of a survey⁸ conducted by the PUP for the first year's cohort show that fewer than 80% of officers thought their job as a police officer had met or exceeded their expectations.

3.7 The sheer scale of recruitment has also heightened the potential that people unsuited to policing may join the service. A recent inspection report published by HMICFRS⁹ found

⁵ [Police officer uplift, final position as at March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/police-officer-uplift-final-position-as-at-march-2023)

⁶ [State of Policing 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/state-of-policing-2022)

⁷ [Police workforce, England and Wales: 31 March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2023)

⁸ [Police Uplift Programme New Recruits Onboarding Survey 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/police-uplift-programme-new-recruits-onboarding-survey-2021)

⁹ [An inspection of vetting, misconduct and misogyny in the police service \(justiceinspectorates.gov.uk\) \(2022\)](https://www.justiceinspectorates.gov.uk/hmicfrs/publications/an-inspection-of-vetting-misconduct-and-misogyny-in-the-police-service-2022)

examples of forces granting vetting clearances to substantial numbers of unsuitable applicants. Some of these vetting decisions may have been influenced by pressures on forces to meet certain recruitment targets.

3.8 The CPS has continued to recruit and has seen an increase in full time equivalent (FTE) legal posts of 3% in 2022-23 which equates to 90 FTE. While the CPS's resourcing model indicates the CPS Areas require 5,701, they report that they are only able to afford 5,325 which is 92% of what is required due to funding issues (the affordability figure for last year was 98%).

3.9 Recruitment has been difficult with many of HMCPSP's Area Inspection Reports detailing longer term issues in a number of Areas that have struggled to recruit prosecutors, leading to repeated recruitment campaigns with fewer numbers applying. Nationally the CPS acknowledged that fewer people are choosing a career in criminal law, causing them to review their approach.

3.10 They have adopted a different approach to resourcing to address the issue of recruitment. This includes the implementation of a new central prosecution team which comprises a group of senior crown prosecutors who can be deployed flexibly from locations where recruitment is easier, in order to support those Areas where recruitment is difficult.

3.11 Historically newly recruited prosecutors were deployed, at least initially, in the magistrates' courts teams as they familiarised themselves with the role. A recent direct entry into the specialist rape and serious sexual offences team's senior crown prosecutor campaign resulted in 19 successful candidates who have been deployed across the five CPS Areas with the most challenging legal recruitment markets.

3.12 The latest national probation workforce data¹⁰ shows that while probation staffing levels have been improving in some areas, with a national increase of 6.9% in Probation Officers over the year to 30 September 2023 and an increase of 13% in Senior Probation Officers over the same period, we are continuing to see the impact that staffing challenges are having on the service.

3.13 Over the course of the 2021 to 2023 probation inspection cycle of 36 local PDUs across the whole of England and Wales, His Majesty's Inspectorate of Probation (HMI Probation) has continued to find significant staffing issues. While staffing levels vary between regions, generally during inspections there have been insufficient staffing levels, with some areas having chronic staff shortages.

3.14 The latest required staffing level is 6,780 FTE for Probation Officers, with 4,650 Probation Officers in post as of 30 September 2023, meaning that there is an overall shortfall of 2,129 Probation Officers. 1,514 trainee probation officers were recruited in 2022-23 which could help to address this shortfall if attrition rates remain steady.

3.15 The prison service has also recruited but there remains an issue over retention, leading to staff shortages. The latest HMPPS data¹¹ shows that there were 22,426 FTE prison officers (bands 3-5) in June 2023. While this is an increase of 3% compared with the previous year. The rate of prison officers leaving is now at 13.4%. This leaves the prison service with a more inexperienced pool of prison officers. In March 2018, 51% of prison

¹⁰ HMPPS Workforce Statistics Bulletin published on 16 November 2023 covering the period up to the end of September 2023.

¹¹ HMPPS Workforce Statistics Bulletin published on 17 August 2023 covering the period up to the end of June 2023.

officers had at least 10 years' experience. This has fallen each year since to a low of 30% in June 2023.

3.16 As well as prison officers leaving, the number of prisoners has been increasing. While the number of prison officers increased by 3% between June 2022 and June 2023, during this time the number of prisoners¹² increased by 7%. This suggests that prison officer recruitment has not been able to keep up with the demand.

3.17 Between the years ending March 2022 and June 2023, over a third (35%) of public service prisons saw a fall in their average number of staff. For these prisons, staff shortages are often challenging. In one recent inspection, only half of prison officers were available for deployment. This situation is sadly not a unique one, with the Independent Monitoring Board noting a similar shortfall in some of its recent reports. These chronic staff shortages had negatively affected almost every aspect of prison life, including prisoner relationships with staff. The building of supportive relationships was hampered at many prisons by the slow return to a fuller daily regime, with those who were not working or in education often only getting out of their cells for one or two hours a day.

3.18 Category C prisons have been the most concerning in relation to levels of activity. Designated either as training or resettlement prisons, their remit is to help prisoners fill the gaps in their skills and experience to allow them to make a successful return to the community. Instead, we often found prisoners either locked in their cells or aimlessly stuck on the wing with nothing meaningful to do.

3.19 The situation was even worse at weekends where staffing was usually at its lowest and already limited regimes were frequently curtailed by unpredictable staff shortages. In the worst cases, prisoners received only 45 minutes to an hour out of their cells. In one prison, they were not unlocked at all for one of the two days except to collect their meals. The diminished time out of cell and lack of purposeful activity is best evidenced by His Majesty's Inspectorate of Prisons (HMI Prisons) 'Weekends in prisons' thematic report¹³.

3.20 Shortages did not, however, just apply to officers. In many prisons, there were not enough instructors or teachers to run workshops. Despite the importance of reading in the rehabilitation of prisoners, access to libraries remained restricted in some prisons. Prisoners, therefore, had too few opportunities to improve their English, reading and mathematics skills and take accredited qualifications that would help with employment on release.

3.21 The HMI Prisons and HMI Probation joint thematic report, published in November 2022, highlighted many concerns with the offender management in custody (OMIC) model that was designed to improve the sharing of information and preparation for release. Key work was disrupted or cancelled because of staff shortages and few prisoners were getting the support for which it was designed. In several prisons the inspectorates discovered understaffing in offender management units and a critical shortage of probation officers, leading to inadequate public protection measures. This resulted in insufficient support for men to reduce their risk of harm and inadequate preparations for release.

3.22 Of the women's prisons inspected in the last reporting year, the limited daily regime at each site was further curtailed by the shortage of officers to unlock them on time or at all.

¹² Ministry of Justice Prison population figures, Population bulletin: monthly June 2023 and Population bulletin: monthly June 2022.

¹³ <https://www.justiceinspectorates.gov.uk/hmiprisons/inspections/weekends-in-prison/>

The situation was worse at weekends. In our survey, 66% of women said they were unlocked for less than two hours on Saturdays and Sundays, compared with 36% on a typical weekday. Given the lower risk that most women pose, there was no excuse for the poor outcomes in purposeful activity and a real drive from governors and the regional director was required to transform this situation.

3.23 Children's regimes continued to be limited; with the exception of Parc Young Offenders' Institution (YOI), no other YOI got children out of their cells for longer than 6.5 hours a day, with even less time at weekends.

3.24 Staffing pressures in court custody had significant implications for the effective and safe operation of the judicial system. The inflated remand population and considerable court backlog contributed to the high volume of work for escort and custody providers who are now operating at a higher level than pre-pandemic.

3.25 Staffing shortages had adversely impacted outcomes for detainees, generally in the delivery to court for hearings and again at onward transfer to prison, if required once cases were concluded.

Experience, workloads and impact on staff

3.26 While increasing staff and officer numbers across all the agencies is positive, significant recruitment and, in some organisations, high turnover of staff has led to high levels of inexperience in the difficult and pressured environment that is the CJS. This is a common thread running through all those we inspect. Inevitably this affects the efficiency of the service that can be delivered because induction, training, mentoring and support all draw from existing resource. More experienced police officers, prosecutors and probation practitioners can also be left shouldering a disproportionately complex caseload. This can all meld together to reduce timeliness and quality, adversely affecting others working in the CJS, defendants, victims and witnesses.

3.27 As a direct result of the police uplift scheme, the National Audit Office highlighted that by 2024, 38% of all police officers will have fewer than five years' service.

3.28 To develop effective new officers, strong supervision, mentoring and training is needed. HMICFRS found that in frontline response policing, tutor constables often said they felt stretched. Some said they felt out of their depth, feeling pressured to take on the tutor role as soon as they finished their own two-year probationary period.

3.29 Supervisors often struggle to provide support and guidance across their teams. This means that many new recruits may not always be adequately supervised and can be led by experienced officers and staff. Cases are often given to newly trained officers who have no experience with investigating offences or building strong cases.

3.30 HMICFRS inspection reports¹⁴ have also highlighted that forces struggle to cope with a chronic shortage of experienced detectives.

¹⁴ [The police response to burglary, robbery and other acquisitive crime: Finding time for crime \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmipr/reports/2021/the-police-response-to-burglary-robbery-and-other-acquisitive-crime-finding-time-for-crime/) and [A joint thematic inspection of the police and Crown Prosecution Service's response to rape: Phase one: From report to police or CPS decision to take no further action \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmipr/reports/2021/a-joint-thematic-inspection-of-the-police-and-crown-prosecution-service-response-to-rape-phase-one-from-report-to-police-or-cps-decision-to-take-no-further-action/)

3.31 Many forces now offer direct-entry degree holder schemes that fast-track recruits to detective constable roles within a two-year probation period. In HMICFRS inspections, some detective supervisors in several forces told us they were concerned that direct-entry detectives do not receive enough training and they had to mentor new officers to help them develop essential skills. Other supervisors said mentoring detracts from how well they can supervise investigations.

3.32 Some forces have assigned the role of tutor to experienced detectives in specialist investigation departments. However, many of these detectives get little respite between trainees and the requirement means they are less able to efficiently carry out their own investigations.

3.33 An inexperienced police workforce impacts on other Criminal Justice Service agencies. Investigations are often allocated to officers with neither the skills nor experience to progress them. Poor supervision also adds to weaker investigations. These factors often result in poor decision making and delays.

3.34 The CPS is responsible for reviewing the evidence and in most cases, deciding if a charge is necessary. The decision is dependent on the quality of the police file. Poor quality investigations and police case file submissions to the CPS means that more action plans and requests for further information are needed. This means that CPS prosecutors are constantly chasing additional evidence that should have been supplied, which increases their workloads and causes delay.

3.35 The CPS has increased prosecutor numbers with successful recruitment and deployment of longer-term strategies to increase in house legal expertise through development and promotion, but this has resulted in a significant volume of prosecutors new to the organisation or new in post. This requires investment of time and resource to induct, train and mentor new prosecutors and increases inexperience when the Crown Court backlog remains high.

3.36 In recent HMCPSI inspections we were told that many prosecutors in Crown Court, and rape and serious sexual offences (RASSO) teams have higher caseloads than pre-pandemic, with most Crown Court lawyers having caseloads over a 100 and some having caseloads in excess of 50% greater than pre-pandemic.

3.37 In HMCPSI's recent induction inspection, inspectors found that the national training on the CPS's case management system (CMS) does not fully equip new starters to perform the work expected. Line managers in the Areas and other staff involved in mentoring or coaching new prosecutors reported that much time is spent working through the practical usage of CMS, to ensure new starters have the skills they need. Inevitably, this takes time away from casework and adds pressure.

3.38 Casework quality impacts on other aspects of the CJS. Pre-charge decisions lacking in clarity and analysis can create additional work for investigators and operational delivery staff handling email exchanges that deal with issues not identified at the outset. It can also lead to an increase in duplication of work, which adversely affects resources as cases have to be reviewed multiple times. Cases being dropped post-charge also impacts other criminal justice agencies as well as defendants, witnesses and victims.

3.39 In the Probation Service, issues around recruitment and retention have had an impact on the level of experience of staff remaining in the service. While the proportion of

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Probation Officers with two years or less service has increased by 3.6%¹⁵ in the 12 months to 30 September 2023, the proportion with five years or more experience has fallen by 2.5%.

3.40 New staff often lack adequate learning opportunities, support and supervision. This is exacerbated when more experienced staff have excessive caseloads, as they are unable to find the time needed to provide a sufficient level of support and management oversight and inexperienced staff are unable to benefit from mentoring and support opportunities. In HMI Probation's latest inspection cycle, on average, management oversight was effective in just 28% of cases across all 36 inspections in the 12 probation regions.

3.41 Staff shortages and inexperience have also impacted the quality of work and morale of staff and have led to caseload pressures. Across the service there have been varying caseload levels, with some practitioners reporting workloads as high as 150% against the workload measurement tool (WMT) and an average of 118% for Probation Officers in 11 regions. High workloads can lead to stress, anxiety and sickness.

3.42 Sickness absence rates (average days lost in the previous 12 months for all staff) have been high in some PDUs and national workforce data shows an average of 15.4 working days lost for Probation Officers in the 12 months to the end of September 2023. Understaffing has also significantly increased the pressure on administrative staff. In total, of the staff interviewed during this inspection cycle, over half said their workloads were either 'not so manageable' or 'not at all manageable'. Although average caseloads seem to have declined since the unification of the Probation Service in 2021, the perceptions of manageability by staff seem to have also declined.

3.43 HMI Prisons' findings show that the difficulties in being able to both recruit and retain staff had resulted in high numbers of inexperienced staff trying to find their feet in a high-pressure environment. In June 2023, 30% of prison officers (band 3-5) had less than two years' experience, compared with 19% in 2017. Frequent turnover of staff among prison officers placed additional strain on remaining staff, who were required to work in an establishment with fewer experienced colleagues. This led to increased workloads among those who stayed, further exacerbating recruitment and retention challenges.

3.44 Staff having to bear extra workload had the potential to lead to stress and burnout. Data showed there were year on year increases in the average working days lost due to sickness for prison officers (bands 3-5) between the years ending March 2018 (10 days) and March 2022 (16.5 days). In the latest year ending June 2023, this had fallen to 13.7 days, however, this was still higher than pre-pandemic levels.

3.45 HMI Prisons frequently hears Governors' frustration that they are not involved in the recruitment process for prison officers. Applicants do not have to attend a face-to-face interview with the Governor as part of the selection process. The work of a prison officer is highly skilled, difficult and at times dangerous. It also varies greatly between different prisons. Governors said that they could often tell very quickly which new recruits were not suitable for the role and the numbers who left within the first year seemed to support this assessment. This suggested that not enough filtering was being done by the prison service

¹⁵ These figures use the proportion of staff for each year by length of service. As of 30 September 2022, there were a total of 4,371 Probation Officers with 14.8% having two years or less service. As of 30 September 2023, there were a total 4,675 Probation Officers with 18.5% having two years or less service.

during the recruitment process, pointing to a focus on quantity rather than aptitude for the role. If Governors were involved in recruitment decisions, it is plausible that the prison service could potentially mitigate the issue of high staff turnover.

3.46 Governors also complained that the inexperience of staff meant they were nervous about opening up regimes due to a belief this would lead to the levels of violence that prisons had experienced before the pandemic, despite evidence to the contrary. Given the amount of time since the pandemic, this excuse was becoming less viable.

Workforce retention

3.47 Data¹⁶ shows that 9,192 FTE police officers left police forces in England and Wales in 2023 (excluding transfers). This is an increase of 1,075 FTE or 13.2% on the previous year.

3.48 According to the National Police Chiefs' Council (NPCC) the most common reason for leaving the service is due to normal retirement, which consistently makes up around 60% of all leavers¹⁷. Voluntary resignation is the second most common reason, making up around a third of leavers in the most recent years.

3.49 NPCC attrition analysis data (July 2022) revealed that 69% of those who resigned were officers with under five years' service and three quarters of these resigned in their first two years.

3.50 During 2021 the Police Uplift Programme undertook a literature review of attrition in policing. Key findings from the review included:

- The rate of voluntary resignations continues to be highest amongst female officers and amongst officers from Black, Asian and Minority Ethnic backgrounds. Females are more likely to leave mid-service.
- Stated intent of new joiners to continue as a police officer until retirement/pension is consistently high, other than for those from Black, Asian and Minority Ethnic backgrounds who were slightly less likely to express long-term career intentions.
- The decision to leave appears to be cumulative rather than a sudden one and took most around six months to evolve.

3.51 However, the reasons for leaving are not always clearly recorded. In 77% of cases provided to the Uplift Programme between April 2020 and June 2020, resignation reasons were recorded as 'other'.

3.52 Recruitment and retention of specialist staff such as those in digital forensics, fraud and cyber-crime units is a persistent problem within policing. This is often due, in part, to the disparity in professional development, career progression and salaries between the private and public sector. Policing should accept that it will lose staff and skills to private businesses, where there are better wages, development, conditions and wellbeing on offer. Some forces have tried to address this, but inevitably it has created inconsistencies.

¹⁶ [Police workforce, England and Wales: 31 March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2023)

¹⁷ leavers [NPCC Exit Interviews Good Practice Guidance v1 Feb 23.pdf](#)

3.53 There is little qualitative data to assist the CPS to understand the reasons why staff, including prosecutors, leave the service. Exit interviews are not routinely conducted and so reasons are not collated or analysed centrally.

3.54 Of the external new starters who joined the CPS between January 2022 and April 2023, 139 have since left with less than 12 months' service - of those 38 (27.3%) were legal staff. This equates to approximately 10% of the legal staff that joined. There is no evidence that any of the leavers completed an exit interview.

3.55 The CPS is looking to strengthen its legal cadre by recruitment of trainees, apprentices and crown prosecutors with a view to internal development and promotion to address the issue of recruitment in a difficult employment market. However, of the 180 pupil barristers appointed via the legal trainee scheme between 2016 and 2022, 45 (25%) left within 12 months of qualifying. This may result from better advocacy opportunities at the independent Bar.

3.56 In the Probation Service retention also remains a challenge. In the year to June 2023, there were 2,102 leavers from the Probation Service. While this is a slight decrease of 2% over 12 months, retention remains a key issue for the service going forward, with a small increase of those leaving the service since 31 March 2023. The overall leaving rate for the Probation Service as of 30 June 2023 was 10.1%. This is having a significant impact on the level of experience of staff remaining in the service.

3.57 The return from remote working to the office has also presented its own challenges, with some staff being in the office less frequently than before the pandemic, meaning that invaluable shadowing opportunities occur less frequently than before the Covid-19 pandemic. This is particularly the case where some offices are still operating remote working practices.

3.58 In the prison service, the difficulties in being able to retain staff had exacerbated the challenges of an over-worked and inexperienced workforce. The leaving rate of prison officers (bands 3-5) in the 12 months to June 2023 was 13.4%, an increase from 10.3% in 2018. The support required to keep prison officers in post is not always there. Staff surveys carried out at inspected prisons in the latest reporting year showed that just 29% of frontline operational staff said they had met with someone to discuss their progress at least once every three months, with 27% saying they had not met with anyone at all. In total 23% of frontline operational staff rated the quality of support from their manager as poor or very poor. It is therefore not surprising that only 19% of these staff rated their morale at work as high or very high.

Impact of staffing shortages in other criminal justice services

3.59 A key barrier to the reduction of the Crown Court backlog and the high caseloads for CPS prosecutors is capacity at the independent Bar.

3.60 Issues around pay and the impact of the pandemic has led to many members of the criminal Bar leaving the profession. The independent review of criminal legal aid report published in November 2021¹⁸ concluded that there has "been a significant fall in criminal barristers concentrated in the eight to 22 years of practice group." Recruitment of Circuit Judges and Records has also had the effect of reducing numbers of experienced counsel,

¹⁸ [Independent Review of Criminal Legal Aid - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101444/independent-review-of-criminal-legal-aid-report-november-2021.pdf)

often those dealing with the more complex cases. Lack of suitable counsel to prosecute and defend, particularly in rape and serious sexual offences, has contributed to delays and ineffective trials, adding to the already considerable Crown Court backlog.

3.61 In the Probation Service, there has been a concern around ongoing vacancies in Probation Officer posts within youth justice services. While there is a statutory obligation for these posts to be filled, wider pressures on the Probation Service have meant that they have often been left vacant. These gaps have significant implications, including for effective transitions from youth to adult services. The Youth Justice Board, Association of Youth Offending Team Managers and the Youth Justice Policy Unit at the Ministry of Justice are all actively monitoring unfilled probation seconded roles.

4. The Future

Signs of progress

4.1 The police launched a National Leavers Framework (NLF) in 2022 to generate enhanced insights into the patterns and drivers regarding attrition with a particular focus on voluntary resignations. In July 2023 the NLF phase one evaluation was completed and made a series of recommendations. These focussed on the capture and analysis of data on exit interviews and early intervention with officers at risk of leaving, including use of retention interviews to assist in addressing any barriers.

4.2 The CPS has employed innovative strategies to address issues with recruitment, including increased recruitment of legal apprentices, legal trainees and crown prosecutors. They have also recruited more senior crown prosecutors in Areas where there are better responses to recruitment campaigns, who are then deployed to assist with casework in areas where recruitment is more problematic. This increased flexibility is possible with the national case management system, standard operating practices and use of Microsoft Teams, allowing prosecutors to work remotely on casework. This model allows the CPS to flex resources around England and Wales.

4.3 The Probation Service has seen staffing levels increasing for some key grades. There were 20,875 FTE staff in Probation Service grades, which is an increase of 2,182 (11.7%) FTE as of 30 September 2022. There has been an increase across all Probation Service grades in the last 12 months (as of 30 September 2023), including for Senior Probation Officers (13.0%), Probation Officers (6.9%), Other Bands 4-6 (16.0%) and Other Bands 1-3 (26.4%), following centrally run recruitment for key grades supporting frontline staff. Nevertheless, HMI Probation have found that inspection scores for youth offending services have been far better than probation. Over the past year, staffing was one of the highest rated standards for youth inspections, with over three-quarters of inspected services rated as 'Good' or 'Outstanding' in 2022. Youth offending services have stable and motivated staff groups along with effective supervision, which includes space for reflective discussions and practice. Workloads for youth offending services are reasonable, actively managed and their allocation considers the capacity of case managers. This is in contrast to what is seen in the majority of probation services and there are many effective ways of practice that can be taken from youth justice services.

4.4 Further positive examples can be seen around staffing in the counter terrorism joint thematic inspection, carried out jointly by HMI Probation, HMICFRS and HMI Prisons. The National Security Division (NSD) within the Probation Service is now operating at near full staffing and has a comprehensive induction programme for new staff, with good training and support for new officers and smaller, more manageable caseloads. There are clear quality assurance processes in place to ensure that a high standard of practice is both reached and maintained. Additionally, both senior and middle managers are visible and accessible.

4.5 HMI Prisons reports seeing some meaningful efforts by national and local leaders to recruit and retain staff through advertising and improved financial incentives.

4.6 Some prisons were beginning to think creatively about how they could look after new and less experienced staff and with the current pressures, this must remain a priority. It was too early to see the longer-term effects of recent pay rises, but it was clear that for many prisons, particularly in the south of England, this will continue to be a challenge.

4.7 A recent HMI Prisons inspection found that despite 55% of prison officers having less than two years' experience in the role, a comprehensive retention strategy was proving successful and included more support for new recruits, with the governor meeting all new staff at three-monthly intervals during their first year to improve staff engagement. This reduction in staff shortages had improved access to education and training for prisoners.

4.8 A similar ethos was found at another prison which provided support to new staff, especially through an increase in the number of supervising officers on the wings. This improved confidence and teamworking, particularly in maintaining order and motivating prisoners to go to workplaces.

Ongoing risks

4.9 The key ongoing risk across all those we inspected was the levels of inexperience. While support is in place to induct, mentor and support those new in post, this has added pressure to those with greater levels of experience already dealing with increased pressures or workloads still remaining from the pandemic.

4.10 To assist future workforce planning, a model predicting future attrition rates in the police has been developed on the Police Uplift Programme data tracker (QLIK). It is estimated that attrition will continue to grow regardless due to the service profiles into Uplift Year 3 (2022-23), reaching a peak of 7.3% before reducing in the following years. Forces estimate they need to recruit 17,220 new officers in Uplift Year 3 to achieve Uplift and an estimated additional 18,396 officers will be needed over the following two years (2023-24 and 2024-25) if the additional Uplift officer number of 20,000 is to be maintained.

4.11 The model shows that 20% of the national police workforce will still be in their first two years of service by the end of 2024-25 and reveals these years are when proportionately more resignations take place.

4.12 Retirement rates are continuing to decrease and the impact from the impending pension changes are not evident as yet from the available data. If the trends in resignation and retirement rates continue into 2023, it is anticipated that resignations will replace retirements as the greatest contributor to overall attrition.

4.13 A future risk for the CPS is the profile of the workforce where just over a quarter of the whole workforce was over the age of 55 at the end of March 2023. The primary concern relates to legal staff where 23% are over the age of 55. The longer-term resourcing strategies referred to above seek to mitigate this risk.

4.14 In the Probation Service, there is a need for long-term commitment to probation service resourcing. This not only includes probation resourcing, but also resourcing for the wider services that the Probation Service works with, including resourcing for mental health, drug services and accommodation. Further consideration needs to be given to the operating model through which probation services are being delivered, to ensure staff have the capacity to learn and develop in the role and have manageable and safe caseloads. Better management capacity to oversee practice and provide professional assurance while staff are

developing is crucial in achieving high quality practice. It is also essential that staff receive adequate training, support and oversight in order to effectively manage risks of harm to the public. Of concern is the risk that if the service does not have the right staff and training in place, public protection is being compromised.

4.15 While the overall staffing position for youth offending services is much more positive than for probation, there is a specific concern around ongoing vacancies in Probation Officer posts within youth justice services. While there is a statutory obligation for these posts to be filled, wider pressures on the probation service mean they are often vacant. These gaps have significant implications, including for effective transitions from youth to adult services. The Youth Justice Board, Association of Youth Offending Team Managers and the Youth Justice Policy Unit at the Ministry of Justice are all actively monitoring unfilled probation secondee roles. However, there are still significant gaps in staffing these probation roles and these need to be urgently filled.

4.16 All of the services inspected by HMI Prisons in 2022–23 suffered from difficulties with recruiting and retaining enough staff. The use of detached duty staff from fully staffed prisons and overtime bonus schemes plugged some gaps but did not provide a meaningful solution to the shortfalls. Additionally, detached duty has its own risks in that officers are not necessarily familiar with the environment they are working in and may not provide the consistency to develop meaningful relationships with prisoners.

4.17 Despite efforts to increase the number of staff employed by the prison service, the number of leavers is still unmanageably high, which is compounded by days lost through sickness. This continues to have a significant impact on the ability to provide a safe and effective prison regime. Staffing pressures must be urgently addressed if prisons are to be not only safe places to work and live, but places that provide opportunities for offenders to address their criminal behaviour, develop skills and gain the necessary tools to reintegrate successfully into society upon their release.

5. Concluding remarks

5.1 The effectiveness and efficiency of any service relies on its people. Each agency needs the right people doing the right job for the (CJS) to be effective. Issues around recruitment and retention therefore impact on the efficiency of the CJS and the effectiveness of the service provided to defendants, victims and witnesses.

5.2 During our inspections we have spoken to a wide range of staff and officers working in the CJS and we have been impressed by the level of dedication, passion and commitment displayed across all agencies. We found that most staff do their best to deliver a good service against a backdrop of considerable operational pressures. We also see that all the agencies that form the CJS are under immense operational pressure.

5.3 Pressures arising from the pandemic have not eased as anticipated, with the Crown Court outstanding caseload remaining high. This places pressure on all agencies as they continue to maintain cases within the system while new cases enter it, with fewer cases being concluded.

5.4 A combination of recruitment and of creative approaches to long term vacancy management has resulted in the primary issue no longer being one of unfilled vacancies, but rather one of varying levels of experience. This creates additional pressure within an already overloaded system adding to delay and reduced capacity and capability. The criminal justice agencies we inspect are working to address the issue of inexperience while maintaining or improving their level of service. The challenge will then be to retain existing staff and having invested in them, the new recruits.

5.5 Recommendations or areas for concern have already been made in the reports we have drawn from for this spotlight, and we do not seek to repeat them here.

5.6 While recognising some early signs of progress, we have set out key risks that remain. While all the agencies we inspect are aware of the issues and are working to deal with them, there are two key areas where we urge further focus.

5.7 First, all agencies should invest more in understanding why staff leave. The reasons will be different and varied across different roles and locations within each agency as well as across the CJS. Agencies should use this information to inform future changes to improve recruitment and retention and ensure that the right support and incentives are in place to retain staff.

5.8 Second, that all agencies should regularly review caseloads, capacity, capability and productivity. This will help to ensure there is adequate supervision and support for staff across the CJS.