supporting the voluntary sector working in the criminal justice system

CLINKS' RESPONSE

Consultation on the Independent Statutory Regulation of Probation Practitioners



Introduction

Clinks is the national infrastructure organisation supporting the voluntary sector working in criminal justice in England and Wales and is the current holder of the HMPPS/MoJ infrastructure grant. We support, promote and represent over 500 members and advocate on behalf of the estimated 1700 organisations working with people involved in the criminal justice system.

To inform this response, Clinks convened a roundtable of organisations with expertise and experience of working alongside probation practitioners. This discussion brought together perspectives from across the voluntary sector, enabling participants to reflect on the potential benefits, risks and practical implications of introducing independent statutory regulation for probation practitioners.

The views presented in this response draw on the evidence, expertise and experiences shared during that discussion, alongside Clinks' wider work platforming the voluntary sector's role in supporting people in contact with the criminal justice system. Participants emphasised the importance of any regulatory framework strengthening professionalism, public confidence and accountability while recognising the wider organisational and systemic factors that influence probation practice.

This response therefore sets out the key themes emerging from the roundtable, including the role and functions of a regulator, professional standards, competence and fitness-to-practise arrangements, and the potential impact of the proposals on practitioners, the voluntary sector and people with lived experience of the criminal justice system.

Functions

Do you have views on how the functions of the independent regulator are designed and exercised?

We support independent regulation in principle, provided it strengthens consistency, transparency and public accountability without duplicating employer performance management or HM Inspectorate of Probation's scrutiny of services and systems. The regulatory framework should be proportionate, avoiding requirements that unnecessarily divert practitioner time away from direct work with people on probation. The regulator should set and maintain professional and ethical standards, oversee registration and continuing competence, approve proportionate routes into and back into practice, operate a fair fitness to practise process, protect relevant titles and publish learning from its work.

Its functions must reflect the increasingly complex environment in which practitioners operate. As we've highlighted in our State of the Sector 2025 research, rising demand, more complex need, staffing and vetting difficulties all place significant pressure on voluntary organisations. Regulation should therefore assure practitioners' ability to work with people experiencing multiple disadvantage and to connect them with support services across the voluntary sector at the earliest possible point, without treating the absence of services as an individual professional failing.

The final report from the RR3 Special Interest Group on Probation Reform called for meaningful voluntary sector forums, stronger multi-agency working and information-sharing, and fuller use of small and specialist organisations' expertise. Reflecting that evidence, the regulator should have transparent governance, complaints and appeal arrangements, published standards and equality data, and formal mechanisms through which voluntary and community organisations and people with lived experience can shape standards and review their impact. The regulator should be independent in its decisions and itself subject to effective oversight.

Professional standards

What principles or areas of practice do you think are most important for professional standards/code of ethics for probation practitioners? Please explain why.

Professional standards should begin with accurate, timely and consistent case recording, broad evidence-informed assessment, consultation with relevant voluntary sector organisations, and clear demonstration of risk management and safeguarding. Decisions must be transparent and reasoned. Particular weight should be given to recall because of its consequences for people's lives, their chances for rehabilitation and prison capacity. This is especially important as rates of recall continue to climb, with latest Offender Management Quarterly statistics for the period covering January to March 2026, showing that, for the first time since this data has been recorded, they have begun to outnumber the number of releases – with 13,193 licence recalls compared to 12,977 releases. In line with our 2026 manifesto's call for a decision-making framework for recall, practitioners should record the evidence, alternatives considered and reasons for recall and explain decisions to the person on probation and relevant voluntary sector partners as far as confidentiality permits.

Standards should extend beyond procedural compliance to honesty, integrity, accountability, confidentiality, professional curiosity, cultural competence, anti-discriminatory practice and respect for dignity. They should expressly require relational, strengths-based, person-centred, trauma-informed and trauma-responsive practice.

The professional relationship is itself a central intervention, since trust and continuity support engagement and disclosure. Standards should assess how these skills are applied in practice, not merely whether training has been attended.

Partnership working should be integral. As emphasised in the RR3 Probation Reform Special Interest Group's final report, stronger multi-agency working and information-sharing, meaningful voluntary sector forums and fuller use of small and specialist organisations' expertise are an essential part of this. Effective probation practice is often delivered collaboratively, with voluntary sector organisations contributing specialist expertise, trusted relationships and continuity of support before, during and after statutory supervision.

Practitioners should therefore work meaningfully with voluntary sector organisations as partners in planning, review and ongoing support where appropriate, rather than viewing their role principally in terms of referral or signposting. This should include understanding local provision, making timely referrals, sharing information lawfully and proportionately, and involving partners in planning and review. Standards should also require gender-responsive and culturally competent practice, while avoiding unnecessary risk aversion towards smaller, grassroots or non-funded organisations.

Demonstrating ongoing competence

What do you think would be the most appropriate way for probation practitioners to demonstrate ongoing professional competence?

A mixed-evidence model would be most appropriate. It should combine formal review with ongoing reflective supervision, observed practice, case audits, appraisal, practice reviews, progress against personal development plans and evidence that current law, policy, standards and learning are being applied. Training certificates or a specified number of CPD hours are insufficient on their own.

Assessment should examine communication, engagement, relationship-building, trauma-informed and anti-discriminatory practice, assessment and risk management, referral quality, partnership working, and the evidence behind significant decisions such as recall. Feedback from people on probation, colleagues and professional partners should be included where it can be gathered safely and fairly. Competence frameworks should include evidence that practitioners are able to engage meaningfully with the perspectives and expertise of people with lived experience. Lived experience panels could contribute to the design and evaluation of requirements.

Competence must include the ability to identify specialist support, navigate local services and coordinate across agencies. This is particularly important given the operational context in which organisations are responding to rising demand and increasingly complex needs. The regulator should set clear national outcomes while allowing different evidence for different roles and reasonable adjustments. Employers could verify portfolios, with the regulator using guidance, sampling and audit to support consistent judgements.

What do you think the frequency of demonstrating competence/registration renewal should be? Please explain why.

The organisations we spoke to supported formal demonstration of competence and registration renewal on an annual basis, supplemented by regular reflective supervision throughout the year, potentially on a monthly basis.

Participants considered annual renewal to be the most proportionate approach. Probation practitioners exercise significant professional judgement in areas relating to risk management, safeguarding, enforcement and public protection. An annual process would provide regular assurance that practitioners remain competent, are maintaining professional standards and are applying current legislation, policy and evidence-informed practice.

However, competence should not be assessed through a single annual exercise alone. Ongoing reflective supervision is essential to support learning, identify development needs at an early stage and ensure professional standards are embedded in day-to-day practice. Monthly or similarly regular supervisory discussions would provide opportunities to review practice, reflect on complex cases and address concerns before they become significant issues.

Participants emphasised that the process should be developmental rather than compliance-focused. Evidence of competence should come from a range of sources, including supervision, case audits, observation, professional development activity, feedback from colleagues and, where appropriate, feedback from people on probation and partner organisations.

The annual renewal process should be designed to avoid unnecessary administrative burden while maintaining public confidence. More frequent formal renewal may be disproportionate, whereas longer renewal cycles could reduce opportunities to identify emerging development needs and provide assurance that professional standards continue to be met.

Flexibility should be available for practitioners on parental leave, long-term sickness absence or other authorised periods away from practice, with proportionate return-to-practice arrangements where required.

Fitness to practise

Do you agree that a probation regulator should operate a fitness to practise process to address concerns of serious professional misconduct, impairment and current risk to public safety?

Yes. The regulator should have authority and the proper levers to address serious dishonesty, unsafe practice, professional impairment or current risks to public safety. Ordinary performance, capability or learning needs should normally remain within supportive employer processes unless their seriousness, persistence or risk justifies regulatory action.

The process must recognise the operational context in which practitioners work, including workforce shortages, high caseloads, unavailable interventions and gaps in community provision. Practitioners should not be held solely responsible for failures materially caused by excessive workloads, inadequate systems, weak administrative support or services that cannot be accessed. This does not remove individual accountability; it ensures responsibility is assessed fairly and systemic risks are identified.

Do you agree that a future regulator should have strong triage, informal resolution and early-decision mechanisms, so that only concerns meeting a clear threshold were taken forward as formal fitness to practise cases?

Yes. Strong triage and early decision-making are essential so that only concerns meeting a defined seriousness and risk threshold proceed formally. The regulator should publish referral criteria and illustrative thresholds, make early checks for jurisdiction and evidence, and be able to close, redirect or resolve matters informally. Where safe and appropriate, outcomes could include advice, mediation, agreed learning, supervision or remediation.

Safeguards must ensure serious concerns are not screened out and that patterns of repeated lower-level concerns are identified. Complainants and practitioners should receive clear reasons for decisions and information about review routes. Triage should also test at the outset whether a concern is principally about individual conduct, employer capability, service availability or a wider system failure, so that it is directed to the body best able to address it.

Are there any features you believe are particularly important in the design of a fitness to practise system for probation practitioners? Please explain what they are and why.

Referral criteria, thresholds, evidential tests and decisions should be clear, consistent and transparent. Investigations should be timely, independent and procedurally fair, with access to representation, reasonable adjustments, relevant evidence and appeal. Interim measures should be used only where necessary and proportionate to current risk.

Investigations must distinguish individual from systemic failure and examine caseloads, staffing, supervision, infrastructure, administrative support and service availability where relevant. Sanctions should be proportionate. Where remediation is possible, there should be a clear route back through support, supervision, retraining and reassessment. The system should protect the public while creating psychological safety for practitioners to disclose mistakes, health concerns and support needs.

People with lived experience should have a meaningful role in designing and evaluating the system, with appropriate safeguards and support. Anonymised outcomes should feed into employer and system-wide learning. The regulator should audit decisions, publish performance and equality data, monitor timeliness and fairness, and systematically analyse referrals, triage decisions and case outcomes to identify recurring patterns linked to workload pressures, service gaps or wider organisational failings. It should publish how such concerns will be recorded, aggregated and assessed, and establish clear thresholds and routes for escalating systemic findings to employers and across statutory agencies, including HM Inspectorate of Probation, HM Prison and Probation Service, the Ministry of Justice, with follow-up reporting on any actions taken and their outcomes. This would help ensure recurring systemic issues are not repeatedly treated as individual practitioner failings.

Protected title

Do you think that restricting use of probation titles through law is necessary and proportionate for public safety? Please explain why.

Yes. Probation practitioners exercise responsibilities affecting liberty, risk, safeguarding and public safety. Legal protection would give people on probation, victims, courts, partners and the public confidence that a person using the title has met qualification and competence requirements, is bound by professional standards and is independently accountable.

Protected titles may also strengthen professional identity and recognise the complexity and relational skill involved in probation work, supporting recruitment and retention. Implementation should nevertheless avoid unfairly excluding experienced staff, creating workforce gaps or confusing adjacent roles. Clear transitional and recognition-of-prior-learning arrangements are therefore needed.

If so, do you think that both probation officers and probation services officers should have titles protected in legislation? Please explain why.

The discussion was broadly supportive of protecting both roles. Both probation officers and probation services officers undertake work in which professional competence and public protection matter. Participants additionally highlighted the crucial contribution of administrative staff to recording, checks and information-sharing. Although the discussion did not reach a view that administrative roles should have protected titles, it called for clearer competencies, appraisal and stronger oversight of that function.

And if so, do you agree with the proposed titles of 'Registered Probation Officer' and 'Registered Probation Services Officer' for professionally registered practitioners? Please explain why.

Participants broadly agreed with the proposed titles of 'Registered Probation Officer' and 'Registered Probation Services Officer' for professionally registered practitioners, and no alternative titles were suggested. There was broad consensus that the titles are acceptable because "Registered" clearly signals verified professional status.

Model

Do you agree that the best model of regulation is one that builds on a basic model to provide a framework for accrediting and sharing resources for continuous professional development? Please explain why.

Yes. The regulator should begin with the core statutory functions of registration, professional standards, continuing competence, title protection and fitness to practise, and then develop a framework for accrediting and sharing high-quality continuing professional development. A phased model would allow practitioners, employers and partners to understand the requirements, test implementation and address unintended consequences before the regulator's remit expands.

CPD should be accessible, flexible and available within paid working time. Accreditation should recognise relevant learning delivered by voluntary organisations and people with lived experience, while avoiding processes that disproportionately exclude smaller specialist providers. The regulator should evaluate the basic model and publish implementation evidence before taking on additional functions.

Do you agree that developing the model to include a 'what works' function should be explored at a later date?

Yes. A "what works" function should be explored only after the core regulatory model is established and independently evaluated. Its purpose and relationship with existing evidence bodies, HM Inspectorate of Probation, HMPPS, academic research and practice expertise would need to be clear to avoid duplication.

Any future function should interpret effectiveness broadly. It should consider the quality of relationships, implementation conditions, equality impacts, local and specialist provision, and lived experience, rather than relying only on standardised interventions or reconviction outcomes. It should support innovation and practice-based evidence rather than creating barriers for smaller organisations that lack the resources to produce formal evaluations.

Scope

Do you agree that regulation should apply to probation practitioner roles where a recognised qualification is required?

Yes. Roles requiring a recognised probation qualification are positions of trust involving professional judgement, ethical obligations and accountability. Regulation should follow the functions performed and the qualification requirement, rather than depend on whether the practitioner is employed directly by HMPPS or by another provider. Equivalent work should attract equivalent safeguards.

The regulator should define the relevant roles and any reserved activities clearly so that practitioners, employers, partner organisations and the public understand which work requires registration. Implementation should include proportionate transitional arrangements to avoid unnecessary workforce disruption.

Are there any other probation roles that you believe should, or should not, be included in the scope of professional regulation? Please explain why.

We would support a cautious, function-based approach. Roles should be included where they routinely exercise autonomous professional judgement over assessment, statutory supervision, enforcement, recall recommendations, safeguarding or risk management, and where poor practice could cause serious harm. Administrative, commissioning or support roles that do not exercise those reserved judgements should not automatically be placed on the professional register.

Administrative staff nevertheless make an essential contribution to public protection through case recording, checks and timely information-sharing. The proportionate response is clear competencies, appropriate training, appraisal and oversight rather than automatic registration. Scope should be reviewed if evidence shows that a role routinely performs functions reserved to registered practitioners.

Regulation should also avoid unintentionally capturing peer support, mentoring, advocacy, treatment and other specialist interventions delivered by voluntary organisations. Our State of the Sector 2025 research shows that smaller and specialist providers already face significant capacity and financial pressures; any extension of scope should therefore be justified by risk and designed so that it does not reduce access to specialist community provision.

Do you agree that registration of practitioners in training should be included within the scope of regulation? Please explain why.

Yes. Trainees undertaking regulated work should be registered in a distinct trainee category with proportionate requirements. This would protect the public and trainees, clarify their status and scope of practice, connect registration to their training and reduce the risk that workforce pressures lead them to assume responsibilities for which they are not yet qualified.

Trainee registration should specify supervision requirements, permitted activities and escalation routes. Fees should be reduced or waived, and the framework should provide reasonable adjustments and recognise that interpersonal, relational and partnership competence develops alongside formal knowledge.

Preferred option

Do you agree that a probation specialist regulator should be the preferred option? Please explain why.

We are cautiously supportive of a specialist regulator because probation practice combines distinctive responsibilities for public protection, rehabilitation, enforcement, court work and decisions affecting liberty. A specialist body is more likely than a generic regulator to develop the expertise needed to set credible standards for this work.

Support is conditional on a clearly differentiated remit. HM Inspectorate of Probation inspects the quality of services and systems, while employers manage performance and complaints; the regulator should focus on individual registration, professional standards, continuing competence and fitness to practise. Formal protocols should govern referrals, information-sharing and learning so that gaps and duplication are avoided. Where recurring concerns indicate organisational or service-level failure, those protocols should enable learning and escalation between the regulator, employers and HM Inspectorate of Probation while maintaining clear responsibilities for each body.

Its governance should include probation expertise, voluntary and community sector organisations, workforce representation and people with lived experience, so that it is independent, informed and accountable. This echoes the RR3 Probation Reform Special Interest Group's recommendation for meaningful structures through which the voluntary sector can contribute to probation policy and delivery. The regulator itself must also be subject to appropriate oversight.

Do you think that a non-departmental public body is the best option? Please explain why.

Yes, on balance. A non-departmental public body could provide an appropriate balance between operational independence from HMPPS and the Ministry of Justice and public accountability for the exercise of statutory powers. That independence is important if practitioners, people on probation, victims and partner organisations are to trust its decisions.

Support should be conditional on a clear statutory remit, transparent appointments and governance, diverse representation, sustainable funding, published performance and equality information, accessible complaints and appeal routes, and periodic independent review. The body should not become an extension of workforce management or duplicate inspection.

Do you think that the registration fee should be dependent on the level of membership?

Yes. Fees should reflect registration category and ability to pay. Trainees should pay less or nothing, and reduced rates should apply to lower-paid and part-time practitioners. Salary-related bands and monthly payment options would be more equitable than a flat annual charge. Fees must not deter entry or worsen retention.

As identified in our State of the Sector 2025 research, rising costs and persistent funding insecurity have been echoed across voluntary organisations, with smaller providers particularly constrained. As a result, registration costs should not be transferred indirectly to underfunded charities employing practitioners in regulated roles. Government should meet the regulator's set-up costs, and employers should ordinarily fund or reimburse registration required for a role. The regulator should consult on fees, publish the basis for them and review their effects on recruitment, retention and equality.

Equalities

What potential positive or negative impacts do you think the proposals in this consultation may have on probation practitioners with protected characteristics? Please identify which elements of the proposals may give rise to these impacts and any mitigations you think should be considered.

The proposals could positively strengthen professional identity, consistency and public confidence. However, poorly designed registration, CPD, fitness to practise and fee arrangements could create unequal burdens.

CPD requirements may disadvantage part-time staff and people with caring responsibilities if training must be completed outside paid hours or at inflexible times. Requirements should be achievable within working time, offered flexibly and evidenced through different methods. Practitioners with dyslexia, other neurodivergence, disabilities or accessibility needs should not be required to rely on one reading-heavy route; reasonable adjustments, accessible materials, mentoring and one-to-one options should be built in.

Long-term sickness, maternity and other periods of authorised absence should not lead automatically to loss of registration or title. A clear pause, deferral or return-to-practice pathway should preserve status while ensuring competence is refreshed where necessary. The framework must comply with employment and equality law.

Fees may have disproportionate effects on trainees, lower-paid and part-time staff, and those with caring responsibilities. Mitigations include tiered or salary-related fees, reduced trainee rates and monthly payment options.

Fitness to practise processes may deter practitioners from disclosing mistakes, health concerns or support needs. Strong triage, confidentiality, proportionate responses, mentoring and psychologically safe reporting are needed. Assessors must distinguish disability or ill health requiring support and adjustment from professional misconduct and distinguish individual action from structural pressures.

Implementation may particularly affect experienced and older practitioners if new requirements are framed as questioning their established professionalism or impose substantial new burdens.

Transitional arrangements, clear communication, recognition of prior experience and supportive routes to meet new standards are important for retention. Overall, the scheme should reinforce professionalism positively rather than operate as a punitive compliance system.

Particular attention should be paid to whether referral, investigation and disciplinary outcomes disproportionately affect practitioners from racially minoritised backgrounds or other groups with protected characteristics. The regulator should routinely collect and publish equality data to identify any disproportionality and should involve diverse stakeholders in governance and oversight arrangements.

Equality impact considerations should also extend beyond individual protected characteristics and recognise the cumulative effects of socio-economic disadvantage, workload pressures and unequal access to development opportunities.

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82A James Carter Road
Mildenhall
Suffolk
IP28 7DE

020 4502 6774
info@clinks.org
@Clinks_Tweets
www.clinks.org

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