

June 2019



# The proposed future model for probation

A draft operating blueprint

## Introduction

In May 2019, the government published its response to the Strengthening probation, building confidence consultation, which carried the announcement that from spring 2021, all offender management will become the responsibility of the National Probation Service. Clinks welcomed the response.<sup>1</sup> In our recommendations,<sup>2</sup> published in April 2018, we called for the system to be simplified and for the Ministry of Justice (MoJ) to reconsider its commitment to contracting out probation services.

Since publishing its response, the MoJ has delivered a number of events and webinars to provide further details on its plans for probation services (see the slides from the initial round of events<sup>3</sup>) and in June 2019 published a draft operating blueprint for probation.<sup>4</sup>

This briefing summarises key points from the government's response to the consultation and the draft blueprint. It updates voluntary organisations with the most important information for them and the service users they support.

## Why has the MoJ taken the decision to reunify offender management?

Firstly, the government has faced a large amount of external pressure to reunify the probation service. The underlying commercial instability of the Transforming Rehabilitation model was exposed by the collapse of Working Links, and the ongoing fragility of other providers. A string of critical reports also culminated in the HM Inspectorate of Probation branding the model 'irredeemably flawed'.

Secondly, the MoJ has acted positively to feedback from the consultation, which provided a consistent message that a reunified model – as originally proposed for Wales – was the best starting point for the new probation service. Voluntary organisations were key to this as hundreds provided feedback to the government through the consultation exercise, both at events across the country and in their written responses.

Finally, a well-functioning probation system will be crucial in realising ministers' wider ambitions for sentence reform. In order to establish a presumption against short custodial sentences, there will be pressure from parliamentarians, sentencers and others, to prove that community alternatives offer an effective alternative.

## What are the government’s priorities for the new probation system?

Given the external pressure, the overwhelming response to the consultation and the opportunity presented by potential sentencing reform, the MoJ’s clear priority is to get probation back on a sustainable footing to ensure effective end-to-end offender management and rehabilitation is being delivered.

Clinks members will be interested in the government’s commitment to maintaining a significant role for the voluntary and private sectors to deliver a range of rehabilitation services. Opportunities for the voluntary sector to deliver these services will primarily be through the provision sourced via the proposed Dynamic Framework and also the Innovation Partners (more information below).

## When will offender management be reunified under the National Probation Service?

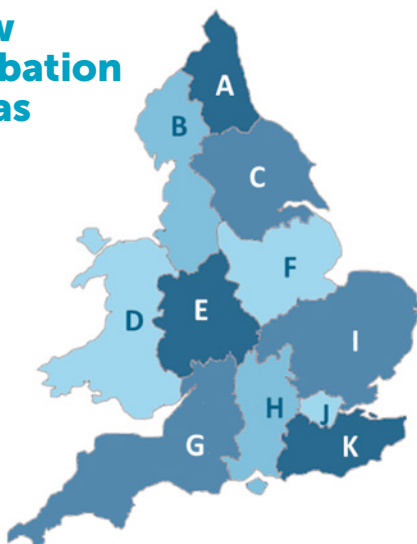
In England, offender management will be reunified under the National Probation Service (NPS) from spring 2021. Community Rehabilitation Companies’ (CRC) contracts currently run until 2020 but are likely to now be extended until spring 2021.

In Wales, offender management will be reunified sooner. All offender management will be transferred to the NPS by the end of 2019. The additional services currently provided through the CRC in Wales will continue until procurement is launched for those services to be delivered in England and Wales in spring 2021.

## How will the National Probation Service be structured in the new model?

In England, there will be a minimum of 10 new probation areas. It is possible that the North West may be split into two areas, with Greater Manchester becoming a separate area, but this is not yet decided. Wales will form a single NPS area.

### New probation areas



A	North East
B	North West
C	Yorkshire and Humberside
D	Wales
E	East Midlands
F	West Midlands
G	South West
H	South Central
I	Eastern England
J	London
K	Kent, Surrey and Sussex

Source: Ministry of Justice

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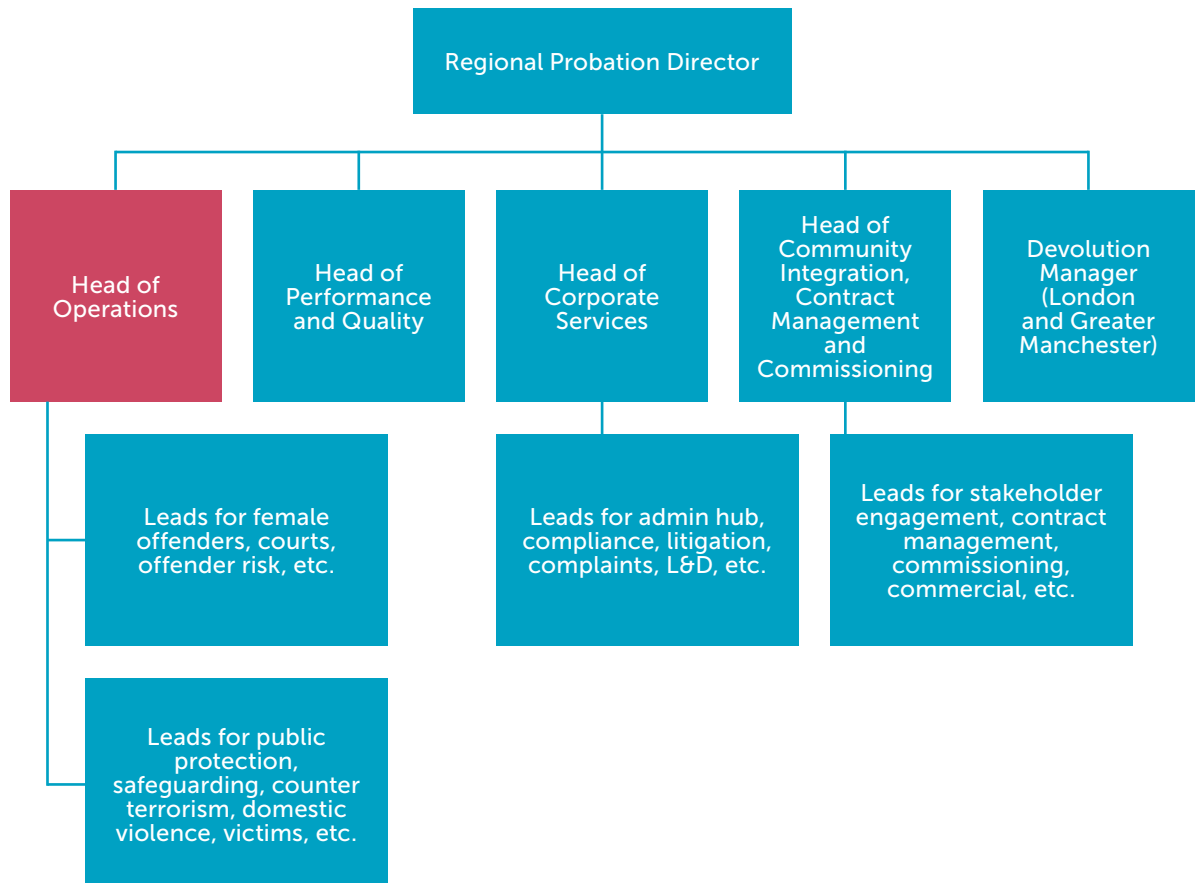
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Each NPS area in England will be overseen by a Regional Probation Director to provide strategic leadership and be responsible for the overall delivery and commissioning of probation services. Each Regional Director will be supported by a regional management structure (see image below).

In Wales, the NPS Director role (the equivalent grade to the Regional Probation Directors) already has responsibility for all probation services in Wales and this will remain unchanged.

The current system of Local Delivery Units and clusters will be retained but their number and structure may change. There will also be a new Head of NPS Operations in each region to provide operational direction and oversee the join up of services across clusters to ensure an integrated system.

## Proposed regional management roles and structure in England



■ Denotes probation qualification required

At a local level, it is the responsibility of the Head of Local Delivery Unit clusters to engage with partnership arrangements.

The regional Probation Directors will be expected to build relationships and alliances with strategic partners, such as Police and Crime Commissioners, local authorities and health commissioners, to identify and tackle shared priorities and reduce reoffending. In some areas this could take the form of Reducing Reoffending Boards. This activity at a local and regional level will be supported by a dedicated senior leader in each region for Community Integration and Partnership Working.

It will be vital that this senior leader engages the voluntary sector in these partnership arrangements so that it can play its full role in identifying needs and solutions for services users, and not just as a provider of services.

## Under the new model who will be responsible for delivering what services?

### Advice to courts

The NPS will retain responsibility for advice to courts but measures will be brought in to improve the quality of the advice they give. The aim is for sentencers to receive fuller information about individuals' circumstances which will therefore enable them to target specific interventions appropriate to the individual. For example, there is a specific aim to reduce the percentage of pre-sentence reports being given orally so that fuller reports are provided, especially in complex cases, and for women, black, Asian and minority ethnic people and those at risk of short-term imprisonment.

The NPS will also be required to facilitate more regular sentencer liaison meetings between probation, sentencers and contracted providers, so that sentencers better understand services available to people on community sentences. Contracted providers will also be required to give regular and up-to-date information to sentencers on their services, projects and programmes including evaluation information on their efficacy.

### Offender management

The NPS will be responsible for all offender management services – the supervision of offenders on community sentences and the supervision of low, medium and high risk individuals on release from prison. This will sit alongside its existing responsibilities to deliver advice to court including pre-sentence reports, reviews and enforcement proceedings.

There are a number of proposals for the frequency and form of offender management delivered by Responsible Officers to service users, including minimum standards:

- The service user will be allocated to their Responsible Officer within five days of their sentence and, where possible, the service user will remain with the same Responsible Officer throughout their order.
- Minimum contact levels will be set out in guidance, including suggested frequency and form according to risk and need.
- A minimum of monthly face-to-face contact between the Responsible Officer and service user will be set.
- Telephone contact may be used to support monthly face-to-face contact but this will not be instead of face-to-face contact.

- Video calling will be allowed for a maximum 50% of contact and will count towards the monthly face-to-face contact minimum. The impact of this will be evaluated.
- Home visits will be mandated where there are child protection / domestic abuse issues and this includes all identified risk levels.

Sentence planning will be supported by new ICT developments which will rationalise the current different layers of Offender Assessment System (OASys) assessments.

The structure of sentence planning assessments will include the latest evidence of what works, including gender-specific differences, and also draw on evidence on the role of families and significant others in supporting rehabilitation, and from desistance theory and practice. This is a welcome approach. In particular, we are pleased to see mention of the importance of family relationships in this draft operating blueprint. The absence of this in the presentations given on the developing plans, prior to the publication of the consultation response, had been raised by voluntary sector organisations.

Also very welcome is that sentence planning assessments will include greater involvement and engagement of service users, including a new self-assessment which will be included and considered within the assessment and the development of the sentence plan.

The period of post-sentence supervision will be focussed solely on rehabilitation. In an attempt to make post-sentence supervision more proportionate to the risks and needs of each individual, minimum requirements of contact between service users and Responsible Officers won't apply to post-sentence supervision. In some cases, where people are deemed low risk and there is no rehabilitative need identified, the Responsible Officer may suspend face-to-face contact altogether, on condition of agreement with their line manager. Further guidance setting out the purpose and expectations of post-sentence supervision is forthcoming.

The government has also said it wants better partnership working between Responsible Officers and different agencies, including with:

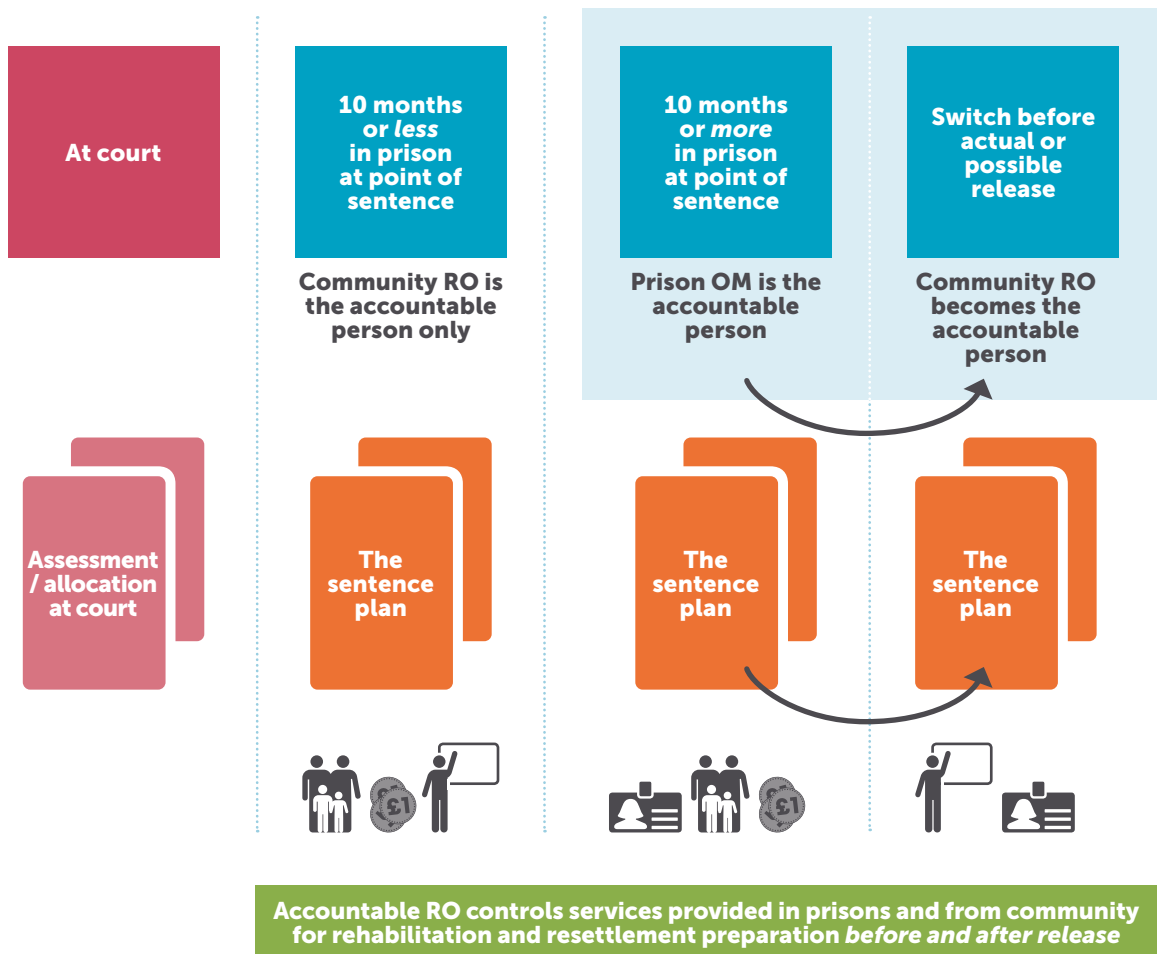
- Youth Offender Services to ensure better transition to adult services
- Different agencies for timely and appropriate safeguarding and domestic abuse checks
- Health and social partners to facilitate continuity of care.

## Resettlement and Through the Gate

The new resettlement model consists of two parts: offender management in the community undertaken by the Responsible Officer; and services accessed and made available on or before release from prison. This removes Through the Gate as a separate function, making resettlement tasks – including pre-release assessment and sentence planning – the responsibility of the Responsible Officer. The Responsible Officer will undertake in-reach into prisons to provide pre-release support and to assess needs in order to support the commissioning of appropriate services either in prison before release, from the gate or after release in the community.

For short-term prisoners, specific teams will be created within each NPS region in order to prioritise work for this cohort and ensure services are provided and sustained. For long-term prisoners, responsibility for pre-resettlement tasks will transfer to prisons and align with the Offender Management in Custody (OMiC) model until those prisoners reach the yet-to-be-determined pre-release resettlement phase of their sentence when the NPS will take over resettlement responsibility. The other part will be delivered via the OMiC for long-term prisoners.

## Outline of the future resettlement model



## Rehabilitation

The stated aims of rehabilitative interventions are to ensure that people receive appropriately targeted, quality interventions that maximise their chances of leading crime free lives. Accredited Programmes will be the preferred intervention delivered to those who are eligible and will be delivered through Innovation Partners (more information below).

Community Sentence Treatment Requirements will be increasingly available for people serving community sentences. They can be given as part of a community sentence to support people to address poor mental health, alcohol dependence and/or substance misuse, and require service users to engage with local health services. They will be expanded beyond the current five pilot sites and forthcoming guidance will also set out expectations of the appropriate support Responsible Officers should provide to service users undertaking Community Sentence Treatment Requirements.

Other rehabilitative interventions will be delivered by a range of partners sourced through the Dynamic Framework (see below).

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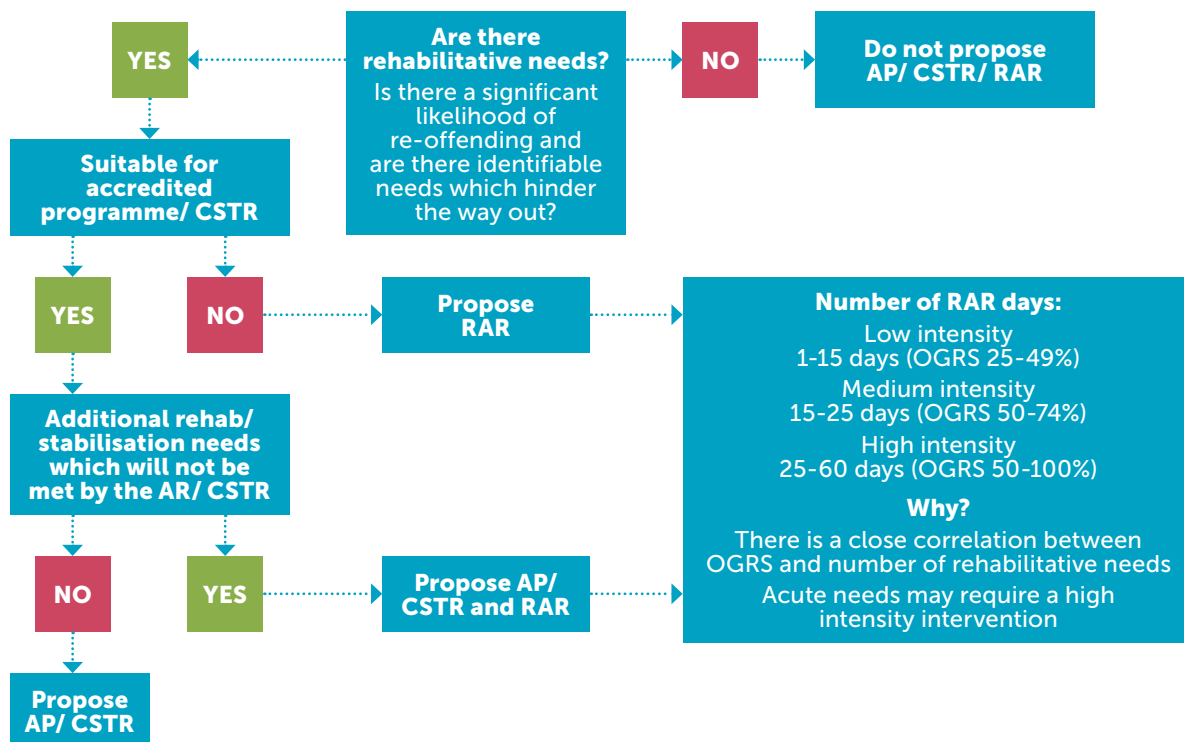
There will be a core set of interventions that the NPS will be mandated to make available for those with a Rehabilitation Activity Requirement and for those on licence or post-sentence supervision. These interventions will address the areas of need either strongly associated with reoffending or which provide the stabilisation that individuals need:

- Accommodation
- Employment, training, education
- Finance, benefit, debt
- Attitudes, thinking, behaviour
- Family and significant others
- Lifestyle and associates
- Emotional management
- Non-dependent alcohol misuse.

Pre-sentence reports will make a proposal for the total number of Rehabilitation Activity Requirement days, based on the assessed risk of service users reoffending. Post-sentence, Responsible Officers will allocate Rehabilitation Activity Requirement days based on individuals' needs.

Providers will be expected to ensure that interventions are responsive to people's circumstances and characteristics and place a particular emphasis on the needs of women, black, Asian and minority ethnic people, young adults and those with learning difficulties and challenges, including care leavers.

## The intentions around accredited programmes and other rehabilitation programmes under the new model: Targeting at court



## Unpaid Work, Accredited Programmes and Resettlement and Rehabilitation Interventions

The delivery of Unpaid Work, Accredited Programmes and Resettlement and Rehabilitation Interventions will be contracted out to providers from the voluntary and private sectors.

Resettlement and Rehabilitation Interventions will be contracted out through the Dynamic Framework and Unpaid Work and Accredited Programmes through an Innovation Partner in each NPS region (see below).

## What is the Dynamic Framework?

The Dynamic Framework is the proposed system through which the NPS will source all resettlement and rehabilitative interventions. It will operate at a national level but allow the NPS to directly commission services responsive to local needs at a regional or local level.

It effectively acts as a marketplace. Subject to a pre-qualification process conducted by Her Majesty's Prison and Probation Service, voluntary or private sector organisations can be listed on the national Dynamic Framework by type of intervention, the cohorts they work with and where they operate. NPS areas will be able to post requirements for services to meet local needs. Providers will be notified and can then submit a proposal for delivering a service to meet those needs.

## What services will be purchased through the Dynamic Framework?

Rehabilitation and resettlement services will be purchased through the Dynamic Framework. However, the draft operating blueprint does not provide a definition for what exactly is covered by the description 'rehabilitation and resettlement services'. Clinks' current understanding is that this may include:

- Services provided in prison to prepare for release
- Services provided from the prison gate to support resettlement
- Services provided post release to support resettlement
- Non-accredited interventions that might form part of Rehabilitation Activity Requirements
- Interventions for people on license or under post-sentence supervision
- "Innovative, cross-cutting approaches" that focus on bringing together different partners to tackle "wider system outcomes."

We will continue to seek further clarity on this question.

## How will the Dynamic Framework operate?

Day one services (those services that will be delivered from spring 2021) will be commissioned nationally by Her Majesty's Prison and Probation Service to ensure a minimum level of service is available for when the new model goes live. Future commissioning will then be the responsibility of the Regional Probation Director.



Her Majesty's Prison and Probation Service has been clear that it wishes to enable voluntary organisations to be involved in the delivery of services, including small and local organisations. To fulfil this intention, Clinks believes that they must ensure that the centrally-run commissioning process for day one services avoids awarding large contracts that will shut out small providers. There must also be sufficient budget available after day one services have been commissioned to enable NPS regions to commission additional services responsive to local needs.

There will be a Regional Coordination Function that manages the supply and demand of services and interventions. It will act as a central point for the coordination of referrals, tracking and progress, chasing referrals and requirements to support accurate and timely commencement of services and ensure timely completion, enforcement and effective escalation of issues.

It is envisaged that services sourced via the framework will be funded through both contracts and grants. The availability of grant funding is vital to ensure a mixed marketplace and the involvement of small local organisations. Therefore Clinks will continue to advocate strongly for this.

## What services will Innovation Partners be responsible for?

There will be an Innovation Partner in each region commissioned to provide Accredited Programmes and Unpaid Work.

Innovation Partners will deliver the Thinking Skills Programmes and Building Better Relationships programmes.<sup>5</sup> The NPS will retain responsibility for delivering programmes for people convicted of sexual offences and extremism or related offences. There is also an expectation that additional Accredited Programmes will be developed in response to identified needs and that Innovation Partners will deliver these too.

Unpaid Work is a requirement attached to a community order or suspended sentence. Unpaid Work as a sentence of the court will continue to have a central punitive element but to improve its effectiveness, the government is seeking an increased focus on employment, training and education within the allocated Unpaid Work hours. Everyone will be assessed for employment, training and education needs by Responsible Officers and up to 20% of allocated Unpaid Work hours can be allocated for these purposes. Providers will be required to source placements that develop personal and employment related skills for those with employment, training and education needs.

There is also acknowledgement of the need for Unpaid Work placements that are appropriate for women.

Providers will be required to provide sufficient placements in order to avoid 'stand downs' whereby individuals report for work but are stood down due to a lack of placement availability. There will also be greater emphasis on local placements.

## How will Innovation Partners be procured?

Innovation Partners will be contracted in a similar process to current CRCs and they may choose to build supply chains for the delivery of Accredited Programmes and Unpaid Work.

The market warming process for Innovation Partners is scheduled to take place between July and October 2019, and organisations will be invited to bid for the contracts between December 2019 and January 2020. Contracts for Innovation Partners are then expected to be awarded in August 2020, ready for service delivery from spring 2021.

## What is the Regional Outcome Fund?

£20m is being committed to a Regional Outcome Fund which will provide funding specifically for “innovative, cross-cutting approaches” that focus on bringing together different partners to tackle “wider system outcomes”. These additional services will be procured through the Dynamic Framework.

The details on this fund are limited, but what we know suggests that this funding will be steered towards initiatives that bring different agencies together and have a focus on addressing long-term underlying causes of why people come into contact with the criminal justice system.

In the consultation response, the government also suggested it will explore leveraging this funding with match-funding from different government departments and other local commissioners, also exploring the role of social investment and Social Impact Bonds.

## Overall, how much money is available for contracted services?

There is £280m a year being made available for all contracted provision, including services commissioned through the Dynamic Framework and via the Innovation Partners. This also includes the £20m already committed to the enhanced Through the Gate services<sup>6</sup> and a further £20m ring-fenced for the Regional Outcome Fund.

## How is the MoJ ensuring appropriate services for equalities groups?

The blueprint sets out that consideration of the impact of changes for people protected under the Equality Act (2010) has been an ongoing exercise throughout the development of plans for the new probation model. There has been a dedicated work stream aiming to understand the implications of the proposals on people with protected characteristics and place support for vulnerable groups at the centre of the proposals.

However, the detail for achieving this is still vague. Voluntary sector organisations providing specific services tailored to meet the needs of people with protected characteristics have raised questions about how the new model will ensure appropriate services for these groups and to a large extent these questions remain unanswered. There is little detail, as yet, on how the new model will support the implementation of the Female Offender Strategy<sup>7</sup> or address the concerns raised in the Lammy Review<sup>8</sup> regarding the lack of involvement of black, Asian and minority ethnic organisations in delivering services for this cohort. Throughout the blueprint there are some mentions of gender specific services and meeting the transition needs of young adults, but there is little detail on this and no mention specifically of meeting the needs of older people (the fastest growing group in the criminal justice system) or people with learning difficulties and disabilities.

The document does set out some overarching principles and states that more detailed plans are forthcoming.

So far, plans include:

- Better data collection to enable the government to 'explain or reform' any disparities in the treatment of, or outcomes for, people protected under the Equality Act (2010), as recommended in the Lammy Review
- A workforce strategy which will improve training for staff to work with people from different cohorts and aim to increase diversity in senior management roles
- Ensuring services for women are gender- and trauma-informed and ensure supply chains include voluntary organisations providing specialist support to specific cohorts of people, by specifying this in more detail
- The appointment of senior leaders with responsibility to eliminate disparities in outcomes for those with protected characteristics.

## What are the roles of other local commissioners and partners?

The NPS will be expected to influence the planning, development and commissioning of wider services, including co-commissioning initiatives, and will be expected to shape and respond to sub-regional and local priorities.

The Regional Probation Directors will be expected to build relationships and alliances with strategic partners, such as Police and Crime Commissioners, local authorities and health commissioners. In some areas this could take the form of Regional Reducing Reoffending Boards. This activity at a local and regional level will be supported by a dedicated senior leader in each region for Community Integration and Partnership Working.

As explained above, the Regional Outcome Fund can be used to commission or co-commission initiatives that tackle cross-cutting social outcomes. The Dynamic Framework can also be used to commission these types of services and will be accessible to other local commissioning bodies.

## What's next?

The draft operating blueprint provides additional information following the government consultation response, however, there is still further detail to be added to the government's plans.

As explained above, there will be two separate procurement processes for the Dynamic Framework and the Innovation partners, both beginning with market warming and engagement exercises over the coming months. The Ministry of Justice has published a list of market warming events for the Dynamic Framework.<sup>9</sup>



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Clinks has been invited to be part of a Design Assurance Panel to provide feedback on the programme design as it develops. In this role we will ensure that we advocate for the needs of voluntary organisations so that they can best play their important role in supporting people in contact with the criminal justice system.

In particular, we will provide scrutiny to ensure the design of the Dynamic Framework includes the utilisation of the full range of funding mechanisms appropriate for small, local organisations as well as the larger providers in our sector. We will also monitor the arrangements within each of the 11 National Probation Service areas to ensure that appropriately local and specialised services are available and monitor the commitment to ensuring that specialist services for people protected under the Equality Act (2010) are properly supported and resourced.

As the government's plan develops fully, Clinks will be providing further analysis and information on what these proposals mean for the voluntary sector through a series of briefings and blogs. All of which will be linked to from the 'Probation services' page on our website.<sup>10</sup> We look forward to continuing to work closely with the MoJ and Her Majesty's Prison and Probation Service to ensure that, this time around, the opportunities these reforms present are properly realised for the voluntary sector.

# CLINKS

**Clinks supports, represents and advocates for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.**

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## End notes

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