

March 2020



CLINKS
BRIEFING

The target operating model for probation

Introduction

Last year following a consultation on the structure and services provided by the probation system, the government announced that from spring 2021, all sentence management in England and Wales will be brought back under responsibility of the National Probation Service (NPS).

Over the past year the Ministry of Justice (MoJ) and Her Majesty's Prison and Probation Service (HMPPS) have delivered a number of events and webinars to provide further details on their plans for probation services and in June 2019, published a draft operating blueprint for the new probation model.¹

More recently the department published a target operating model for probation which supersedes the blueprint. The target operating model provides further information on the department's intentions for how the future probation system will work. It outlines the structures and responsibilities of probation and its partners, how the system intends to support people under probation supervision and transition planning.

This briefing summarises the key points in the target operating model, to support voluntary organisations to stay up-to-date on the most important information for them and the people they support. It also includes our analysis of how the future proposed model will impact the voluntary sector. We have provided this as feedback to HMPPS and will continue to discuss these areas with them.

The new model: an overview

Under the new model all responsibility for sentence management will move back to the NPS which will be split into 11 regions across England and one NPS area covering the whole of Wales. Each NPS area will be overseen by a regional probation director who will have responsibility for the overall delivery and commissioning of probation services in their area.²

In each area, NPS operational delivery will be reorganised around 'Probation Delivery Units', led by a single Head of Service. These units will likely be based around local authority boundaries but HMPPS is still in the process of defining the units' geographies.

The government is committed to maintaining a mixed market in the probation system and creating a clear role for the private and voluntary sectors. With this in mind, a Probation Delivery Partner (previously referred to as 'Innovation Partner') will be appointed in each NPS area to provide unpaid work, accredited programmes and what has been termed 'structured interventions'. The commissioning process for



The target operating model for probation

March 2020

this began in December 2019. In addition, the department will set up a Dynamic Framework to procure rehabilitation and resettlement services. More details on these to follow.

HMPPS expect the new model to be fully operational from 2022.

A note on language

HMPPS has updated the language it uses with regards to the probation system. The target operating model describes people under probation supervision as individuals; people; or individuals subject to probation services. 'Offender managers' as they were previously known are now referred to as 'probation practitioners' who provide sentence management.

This is a positive move away from punitive language and labelling, which we welcome. It recognises people in contact with the criminal justice system (CJS) are whole people, not just 'offenders' and more closely aligns with the values of the voluntary sector working in criminal justice. We hope the language in this target operating model can mark a shift in the approach to people across the CJS.

Court advice

The NPS will retain responsibility for advising the courts. Throughout the development of the probation model a key consideration has been to improve the provision and quality of pre-sentence reports. This is to ensure sentencers are better informed of an individual's circumstances and sentencing options and to improve sentencer confidence in community options.

As such, this version of the target operating model includes a commitment for additional resource for pre-sentence reports, particularly for women and for black, Asian and minority ethnic (BAME) people. The details of this additional resource is still to be confirmed.

Whilst Clinks acknowledges that additional resource will be dedicated to pre-sentence reports, it is disappointing that the specific aims outlined in this document's predecessor - the draft operating blueprint³ - to reduce the percentage of pre-sentence reports given orally so that fuller reports could be provided, are not included in this document.

There are clear challenges presented as a result of the competing aims to improve the provision of fuller pre-sentence reports whilst simultaneously trying to reduce delays within the justice system and speed up court processes.

We hope that more progress can be made between HMPPS and Her Majesty's Courts and Tribunals Service (HMCTS) - which retains responsibility for wider court processes - to achieve stronger commitments on this issue. We would like to see specified targets to increase the provision of pre-sentence reports, especially in complex cases, for those at risk of short-term imprisonment and for women and BAME people and to reduce the percentage of fast oral reports.

The target operating model also states intentions to develop a 'digital service catalogue' that can be accessed by probation practitioners providing advice to courts as well as those in the community. The aim of the catalogue is to provide current information on the services available, including Dynamic Framework and Probation Delivery Partners'

interventions, co-commissioned services or 'universal services' that can be freely accessed in the community. This is to better inform the advice that probation practitioners are able to provide the courts about which community interventions are available.

According to the document, safeguards will also be 'actively built in' to the court advice stage to ensure that the advice given to sentencers 'in no way reflects biased or negative stereotypes associated with an individual's ethnic background'.

We are pleased to see concerns about racial stereotyping impacting advice and decision-making at the sentencing stage are being taken on board. Our engagement with the BAME-led voluntary sector and the people they support has highlighted how people from BAME backgrounds are seen through a lens of risk, impacting decision-making and leading to their swift escalation through the justice system. Consciously or unconsciously, staff stereotyping of BAME people perpetuates through the justice system, compounding unequal outcomes.

It is yet unclear how these safeguards will be developed and how they will be implemented and monitored to ensure they are indeed protecting against racial biases. The surety of HMPPS' statement without further explanation of how it will be achieved, leaves us with concerns that it does not reflect the reality of race inequality in the CJS and will therefore not have the desired impact.

Clinks will continue to advocate for the engagement of BAME-led services and people from BAME backgrounds with experience of the CJS to inform the development of these safeguards and wider cultural competency training.

Sentence management

There is a clear emphasis in the target operating model on trying to improve the consistency of support for people in the CJS. The intention is to reduce the number of 'hand offs' during a person's journey under probation by having a single, clearly defined and accountable probation practitioner for each service user, providing them with a consistent point of contact. This also applies to people in prison as it includes a renewed focus on probation practitioners in the community 'reaching in' to prisons.

In the community

Individuals should be allocated to their probation practitioner within five working days of sentence. For people serving community sentences, sentence plans should be developed within 15 days of the sentence being given with a minimum of six monthly reviews.

HMPPS will more stringently mandate what constitutes appropriate provision for interventions and services delivered under Rehabilitation Activity Requirements (RARs). This is to improve the transparency around them and improve sentencer confidence in them. Pre-sentence reports will propose an overall number of days for RARs which should reflect an individual's risk of reoffending. Then after sentence, their probation practitioner will allocate the days and select appropriate interventions.

Minimum requirements for contact between probation officers and their service users will be set out in new national standards. This will include a minimum of monthly face-to-face meetings to be supported, but not replaced, with telephone contact.

Under the current model, there have been challenges in staff differentiating the approach for those in the community serving the remainder of their sentence on licence and those under post-sentence supervision. It has created a complex system and is often unclear for individuals when their licence ends and post-sentence supervision begins, as well as what differences this has on what is required of them.

We welcome the fact that probation practitioners can apply to their managers for suspension of face-to-face contact of post-sentence supervision cases where risk and rehabilitation needs are deemed to have been addressed. However we remain concerned that the target operating model does not sufficiently address the issues currently experienced and does not offer the clarity and necessary organisational culture shift to enable a proportional approach for people on post-sentence supervision.

Transitioning from prison to the community

A new model of managing custodial sentences, 'Offender Management in Custody' (OMiC), was recently launched in prisons. The model for sentence management and resettlement outlined in the probation target operating model has been designed to align with OMiC and will take a 'reach-in' approach by moving the accountability for resettlement to community-based probation practitioners.

The process of sentence management will depend on the length of time an individual is sentenced for:

- **For people serving custodial sentences of 10 months or less:** Probation practitioners based in the community will be responsible for assessing individuals entering prison on short sentences and creating their sentence plans. They will then be responsible for them throughout their time in custody, supporting them through release and in the community.
- **For people serving custodial sentences of more than 10 months:** Responsibility for sentence management will transfer from responsible officers in prison to community probation practitioners at a standardised point for everyone. HMPPS are currently proposing that this transfer point will happen at seven and a half months prior to release. It is worth noting that this is a decrease from the 10 months previously proposed by the department. That probation practitioner will then be responsible for preparing the individual for release and supporting them in the community post-release.

In both cases, probation practitioners will be responsible for organising pre-release activities and on release be expected to offer two weeks of enhanced support. It is hoped that this approach and the added time a probation practitioner in the community will work with people prior to release, will enable enhanced pre-release planning, more tailored support and support that is genuinely through the gate.

Clinks acknowledges and welcomes the intention to align prison and probation and create more co-ordination and consistency between the two. However the proposals assume that OMiC is fully operational and working as intended. The voluntary sector has raised significant concerns that the OMiC model is not yet operating fully across the prison estate. If this continues to be the case when the new probation model is launched, the reliance on OMiC could undermine its implementation.

We are also concerned that pre-release activities and resettlement services being the

responsibility of a community-based probation practitioner will present considerable challenges in co-ordinating these activities with the prison. In addition, the target operating model does not account for the variation across the prison estate and proposed changes for future reconfiguration of the estate into reception, training and resettlement prisons, which means that a single model will not necessarily be appropriate for all prisons.

There are practical challenges and issues with resource that will impact probation's ability to turn these aspirations into a reality. We are concerned about the feasibility of regular contact with community probation practitioners reaching in to prisons. For those who are held long distances from where they will be released in particular, having a single probation practitioner will be impractical. This will especially impact women who are on average held much further distances away from their homes.

Short custodial sentences

HMPPS has made management of short term custody a core aim of the proposed resettlement model under the new probation system. The department is looking to create 'short sentence teams' in each NPS area that will focus on managing and mitigating the disruption caused while someone is in prison for a short period of time. This includes where possible sustaining services, employment and/or welfare and housing, and shortening the gap between when a person is released and the necessary community services for them are in place.

Clinks welcomes the focus in the new probation model on managing short custodial sentences and recognition by the government of the need to mitigate the harmful impacts of them. However the target operating model states there will be local flexibility within NPS areas to devise the scope of the short sentences teams and where they sit. This light touch approach raises concerns about the consistency of these teams and how much resource they will have.

Despite having dedicated staff, this will not address many of the systemic issues that individuals can experience as a result of being given a short custodial sentence and challenges with the processes and systems of other agencies and departments. For example some local authorities will register someone as 'intentionally homeless' for going to prison or as the document notes, suspending welfare benefits can take up to two months to reinstate after someone is released from prison. Wider reform is required to address these structural issues.

Health

In the community

The target operating model refers to probation's responsibility for Community Sentence Treatment Requirements (CSTRs). There are three types of CSTRs that can be added to a community or suspended sentence order: drug rehabilitation requirements; alcohol treatment requirements; and mental health treatment requirements. They can support people to get treatment in the community and avoid a custodial sentence. These requirements have been underused in the past but a new model for them was recently piloted to improve their use with promising results and so it is now in the process of being rolled out nationally.

The delivery of the treatment is undertaken by locally commissioned substance misuse and mental health services commissioned by NHS England. Probation providers and health



The target operating model for probation

March 2020

providers must work closely together to support the individuals to successfully complete their treatment. Probation practitioners take overall responsibility for local information sharing about issues relevant to the treatment and for promoting an individual's compliance. Where possible, probation practitioners should ensure that enforcement action does not disrupt treatment.

Clinks has found strong support for CSTRs amongst our members and their service users, so we welcome the intention laid out in the probation target operating model to fully utilise them. We hope this signifies a shift in focus towards greater support for people in the community to prevent escalation of need and reduce the likelihood of entry into custody.

Although the intentions are welcome, the target operating model still leaves questions about how this will be achieved and the delineation of responsibilities. We are concerned that it has not been clearly outlined who is responsible for commissioning services to deliver CSTRs, and given that there have only been nine pilot sites, that there might be inconsistent availability across the country as they are rolled out.

Transitioning from prison

Ensuring continuity of care for those leaving prison and transitioning back to the community has been an ongoing issue, leaving many people released without access to the care and medication they need. The target operating model reiterates that HMPPS are working with NHS England on its RECONNECT – the care after custody service – pilots.

The probation system has a huge role to play in breaking down the barriers that prevent continuity of care. It is therefore concerning that the statement on providing continuity of care for those on license lacks detail.

RECONNECT builds on existing services so it doesn't deliver any new interventions, but it is based on principles of care navigation. The service will work collaboratively with partners and will be embedded in local areas. As it is building on existing services, there will likely be significant variation in how it is delivered in each area.

It is welcome that HMPPS are supporting work on RECONNECT, but in the next iteration of the target operating model, more clarification is needed on the development of arrangements, how these will ensure effective provision and joint working in this area and how the voluntary sector can support this work.

Business planning

Each NPS area will be expected to have a business planning cycle that is overseen by the regional probation director. This cycle is what ensures that in each local area there is assessment of what existing service provision there is and what is needed. The intention is for this to be regularly reviewed to make sure that the probation services in each region continues to meet local needs. This cycle also includes a phase for co-design in which NPS regional leaders will in partnership set out what is required of delivery organisations, using the knowledge and experience of all parties to design the future service.

We welcome the commitment to review and co-design services with stakeholders and to publish annual plans. This will provide more opportunities to identify

and address gaps in services and to ensure join up in service delivery. It should support aims to be more responsive to changes in local need and provide more transparency both to delivery organisations and other relevant stakeholders.

Clinks has recommended to the probation reform team at HMPPS that the voluntary sector be specifically named as a stakeholder in this context in order to ensure that probation areas recognise that the sector is more than just a delivery partner. We also suggest that service users are included as a stakeholder group for business planning purposes.

We have also called for an overarching document that is published centrally and under which each regional annual plan would sit. This would enable stakeholders to see alignment between national departmental priorities and local priorities. We hope these are recommendations that HMPPS reflects on and incorporates into future developments of the probation model.

Probation Delivery Partners

Probation Delivery Partners will be appointed to deliver unpaid work, accredited programmes and 'structured interventions' on emotional management, attitudes, thinking and behaviour and domestic abuse. The Probation Delivery Partners will be co-terminus with the NPS areas.

The contract notice for these contracts has already been issued and bidders informed whether they have been successful in the selection questionnaire phase. Successful bidders have been issued invitations to tender and responses are due by 20 March 2020.⁴

Unpaid work

There have been significant challenges with delivering unpaid work requirements which HMPPS seeks to address in the new probation model. These include issues with the quality and appropriateness of placements as well as poor completion rates, the time taken to complete schemes, lengthy delays to placements starting and cancellations.

In the new model, it is intended that the Probation Delivery Partner will source a range of quality work placements that benefit the community and are in the service user's local area. Providers will be expected to provide a full induction with individuals within 10 days of receiving a referral. Information from an NPS assessment will be used to match services users with the most appropriate placements. Providers will also be required to offer women the choice not to be placed in all male work environments.

The target operating model recognises the potential of unpaid work schemes to provide on the job training and skills development that can support future employment opportunities but Rehabilitative Activity Requirements remain the primary route through which education, training and employment work should be delivered.

In Clinks' response to the probation consultation, we reiterated that unpaid work placements needed a clearer focus on equipping people with relevant employment experience and skills. An essential part of achieving this is utilising the 20% of unpaid work hours allowed for education and improving skills and employability which is currently significantly underused. The target operating model however

states that this 20% will only be treated as a 'feature of a good quality placement' and there will be 'no expectation that separate of specific education, training and employment activities ... will be provided' by Probation Delivery Partners.

It is disappointing that this will not be written into contracts and it is unclear what will incentivise providers to offer education, training and employment. This raises our concerns that the 20% allotted time for this will remain underused. There should be a clear monitoring process to ensure that the 20% is properly utilised and of a sufficient quality, with providers held to account for delivering on this. As there should also be for completion rates, delays and cancellations to unpaid work schemes.

Accredited Programmes and structured interventions

Probation Delivery Partners will be contracted to deliver the Thinking Skills accredited programme and the Building Better Relationships programme. NPS will remain responsible for delivering accredited programmes to those convicted of sex offences and extremism-related offences.

Probation Delivery Partners will also deliver structured interventions covering similar areas to accredited programmes but aimed at those deemed lower risk who do not meet the threshold of an accredited programme. Structured interventions will have a fixed number of sessions and pre-set content that everyone receives.

The target operating model notes that if delivered to people who are 'lower risk', intensive interventions such as accredited programmes (and in the future structured interventions) can have no effect and can even cause harm.

Proper assessment of eligibility and suitability for accredited programmes and structured interventions by the NPS will be key to mitigate this. However, given the potential impact that these interventions can have, robust assurance processes will be needed to assure the quality of new interventions designed by Probation Delivery Partners but it is currently unclear what these will be.

More clarity is needed, in lieu of being assessed by the Correctional Services Advice and Accreditation Panel that accredited programmes go through, how structured interventions will be tested, what requirements providers will have to meet and what measures will need to be in place to safeguard service users receiving new interventions.

Dynamic Framework Services

The Dynamic Framework is a commissioning mechanism that is being implemented to enable regional probation directors to procure rehabilitation and resettlement interventions. These are:

- **Resettlement services:** interventions delivered to individuals while in prison to prepare for release and resettlement in the community. These services should focus specifically on supporting people and addressing needs in relation to transition from prison to life in the community. These services are expected to reach into prisons in the pre-release phases of a sentence to enable continuity through the gate.

- **Rehabilitation interventions:** focused on addressing a range of needs to reduce reoffending on community orders and suspended sentences and on support re-integration into the community for those on license.

The framework will also be split into categories based on needs and cohorts. Interventions procured via the Dynamic Framework will focus on services that support people to overcome barriers in engaging with statutory services and facilitate their sustained engagement or the delivery of activities where those services do not already exist.

The commissioning model

Organisations will have to apply and successfully meet certain criteria in order to qualify and register their services on the Dynamic Framework. Organisations will qualify by types of need that have been identified (see below) and specify from a predefined list of geographies where they can deliver in. Organisations can select whatever combination of local geographies from that list best reflects their current footprint or what would be a credible expansion for them.

Dynamic Framework contracts will align with NPS areas but contract sizes will vary and be competed for across smaller areas so providers are not expected to have to deliver across the whole area.

Regional probation directors will assess what services are required and what gaps in provision there are in their areas. This could be by area, cohort or a particular rehabilitation need. Call-off competitions will then be run from the framework for those registered to compete for delivering the service.

Organisations will be able to qualify at any point in time during the term of the framework which the department anticipates to be between seven to ten years.

It is expected that other bodies, not just the NPS, will be able to buy services from the Dynamic Framework and via co-commissioning arrangements. For example prisons and Police and Crime Commissioners (PCCs).

Clinks has been working continuously to support a role for the voluntary sector in the new probation model and ensure smaller voluntary sector organisations are not excluded as they have been in the current model. We welcome that one of the expressed intentions from the government is for the new model to address this. Varying contract sizes and ensuring they can be competed across smaller areas is a welcome step in supporting these intentions. However we have some remaining concerns about the involvement of smaller organisations and how larger organisations will be prevented from dominating.

The target operating model sets out commitments to reducing the administrative burden on providers and facilitating compliance which is welcome. Feedback from the voluntary sector on the previous model highlights the disproportionate requirements placed on providers and the over-burdensome impact this had on their resources. However, despite this welcome commitment, elsewhere the document makes reference to developing options for an assurance model and in market engagement webinars the department outlined that providers will be required to have an IT accreditation in place. Clinks are very concerned about the barrier this might present to voluntary sector involvement, especially for smaller providers.

It is further unclear how services commissioned by the prison will work alongside those commissioned by the NPS. Whilst the target operating model emphasises the importance of not duplicating services delivered in prison, there is no detail about how this will be coordinated. In particular, it states that the framework will only be used to procure services that are not already part of the core offer in future reception and resettlement prisons. However as previously highlighted, reconfiguration of the prison estate has not yet taken place and there has been limited information as to the progress of this transformation. If this is delayed past the new probation model, relying on it will impact the commissioning and availability of services under the new probation model.

Needs and cohorts

The need areas identified for rehabilitation and resettlement services have been split into the following categories:

- Accommodation
- Employment, training and education
- Finance, benefits and debt
- Lifestyle and associates
- Emotional and personal well-being
- Addictions and dependencies
- Mentoring/social inclusion.

Though there is reference to Dynamic Framework services also being split by cohort, the target operating model doesn't specify which particular cohorts this refers to. This has been discussed during market engagement, and clarification is needed on how specific services for people with protected characteristics and other vulnerable cohorts will be commissioned through the Dynamic Framework.

Day one services

In the first instance, HMPPS will centrally commission services via the Dynamic Framework to ensure there is service provision in place for day one of the new probation model going live. HMPPS anticipate launching qualification for the Dynamic Framework in May.

The target operating model states that NPS regions will be able to start procuring interventions post-day one to fill gaps or extend service delivery.

There has been concern amongst the voluntary sector of central commissioning being responsive to local needs and favouring larger contracts that will preclude smaller and specialist organisations from providing day one services. HMPPS have since announced during the market engagement phases that it will procure day one services at PCC area level. As much smaller areas, this is a positive step towards addressing those concerns and providing a better opportunity for smaller organisations to provide day one services.

It was also announced during market engagement phases that commissioning of day one services will be commissioned under the following contract lots:

- Accommodation
- Education, training, employment and finance, benefits and debt
- Dependency and recovery (previously named addictions and dependencies)
- Wellbeing services (which is made up of the following categories; lifestyle and associates, emotional and personal wellbeing, family and significant others, and social inclusion).

There will also be a specific contract lot for interventions for women which meet the needs identified above in one package. In Wales, young adults will also be a specified contract lot. This will not be the case in England, but young adults will also be specified cohort that bidders for all services will have to show they are able to meet the needs of.

HMPPS is taking more time before launch to identify and assess the regional requirements for each lot described above. Ahead of launching the Dynamic Framework and during the qualification for the framework, HMPPS will run a series of engagement events across the country to raise awareness to the widest possible range of potential providers and answer questions on the qualification process. HMPPS will continue market engagement once the framework has been launched to ensure that potential bidders are kept up-to-date on the call-off competition timelines and the specification for each call-off.

We were very pleased that there will be a contract lot for interventions for women which covers all areas of need identified for day one services. Not having done so would have been a significant barrier to women's centres that provide holistic services across multiple areas of need and would have broken their work into siloes, requiring multiple contracts and resource.

Clinks has raised concerns with the probation reform team that BAME-led services are not currently being considered as a specific contract lot for day one services, especially in metropolitan areas where there are higher populations of people from BAME backgrounds. BAME people are disproportionately represented in the CJS whilst BAME-led organisations have been severely impacted by funding cuts over recent years and the previous round of probation reforms.

If not made a specific contract lot we remain concerned that specialist BAME organisations will only find themselves commissioned as sub-contractors in wider supply chains, if at all, meaning there will not be a sufficient provision of tailored services for BAME people when the new probation system launches. We do not believe this meets either the letter or spirit of the Lammy review recommendations and undermines work to improve the treatment and outcomes of BAME people in the CJS.

Grants

When compared to the wider voluntary sector, the voluntary sector working in criminal justice is disproportionately made up of small and local organisations who often lack the resources to meet the requirements of and manage contracts and are dependent upon grant funding.

MoJ and HMPPS have been keen to reassure the sector that it will be possible for NPS areas to make grants available through the Dynamic Framework. The target operating model makes reference to the fact that commissioners will be able to award both contracts and grants, with criteria in the Dynamic Framework procurement documentation to support commissioners to determine the most appropriate approach.



The target operating model for probation

March 2020

We welcome this reference and are keen to support HMPPS to further develop the detail of this commitment. Clinks has repeatedly advocated for greater utilisation of grants in the current and future probation model. The lack of grant funding under the current model is one of the factors contributing to the limited involvement of the voluntary sector, currently limited, in the main, to larger organisations.

Discussions at engagement events and webinars have mainly focused on large contracts with less attention paid to the availability of grants. We are therefore concerned that the delivery of grants through a system designed for contracts could lead to unnecessary bureaucracy and complexity which will ultimately lead to grants being underused or used badly, as was the case under the Transforming Rehabilitation model.

Last year, Clinks submitted a paper to MoJ and HMPPS on commissioning principles that would enable the voluntary sector to deliver services in the future probation model.⁵ This included recommendations for good grant making. We will continue to engage with officials on this to support the development of the Dynamic Framework procurement documentation and to work to ensure the use of grants.

Regional Outcomes and Innovation Fund

The previous draft operating blueprint for the new probation system outlined intentions to create a Regional Outcome Fund. From previous information provided by MoJ and HMPPS, this fund will be an additional £20 million for “innovative, cross-cutting approaches” that focus on bringing together different partners to tackle “wider system outcomes”. These will be procured via the Dynamic Framework.

The target operating model refers only briefly to the fund, stating HMPPS’ intention to establish this fund as part of its delivery against HMPPS’ wider priorities which includes delivering on its intended outcome to “create a more supportive environment for sentence delivery to occur in order to reduce reoffending.”

In figure four, which provides a diagram of what services will be available and where in the probation system they are to be delivered, it is suggested that the fund will cover:

- Services to support improved outcomes
- Early intervention and diversion services
- Additional support to address complex needs
- Longer term support to follow end of sentence.

Detail on this fund and the criteria for it has so far been limited. It is disappointing that this iteration of the target operating model does not provide more clarity on the scope of the regional outcomes and innovation fund. In the target operating model, HMPPS have highlighted that a number of areas of the probation model’s design are still being developed. One of the areas listed as still needing development is its approach to the regional outcomes and innovation fund. Clinks will continue to seek clarity on which services fall within the scope of this fund.

Interfaces

Interface between NPS and partners

Many voluntary sector organisations providing probation-related services under the current model have experienced a number of significant challenges with the interface between Community Rehabilitation Companies (CRCs), the NPS and themselves relating to a number of issues. These include a lack of contact with senior staff; poor contract management and poor communication; unpredictable referrals and use of services; and a lack of commissioning from the NPS.

The target operating model outlines three areas that HMPPS has identified for development that will improve the interface between NPS and partners. These are:

- **Understanding demand** – this means supporting each NPS area to have processes in place to understand the service users and need in their local areas. This will support with identifying service requirements and be used to manage services and inform future commissioning.
- **Access to services** – for probation staff to know what services are available locally and have appropriate processes in place for accessing those interventions. The digital services catalogue is intended to support this (see earlier). As part of this, HMPPS will also be reviewing referral processes and feedback mechanisms.
- **Commission and contract management of the service** – HMPPS aims to structure the areas with the skills and capability to support the new commissioning models and manage the framework competitions and contracts.

Bringing all probation provision back under the responsibility of the NPS will be a major step towards improving the fragmentation of the probation system. However, this on its own will not address all the current challenges. Much more will need to be done to improve the interface between the NPS and partners to ensure integrated and coherent services.

Each of the three areas for development listed above are key to addressing the issues experienced by the voluntary sector under the current model, ensuring services that meet local need are commissioned and used, and regaining trust in probation's contract management. But as well as having the right processes in place, there needs to be a wider cultural shift especially amongst senior NPS staff in the way they strategically engage the voluntary sector and communicate with them. This is especially important as the NPS under the current model has tended to deliver in-house and shy away from outsourcing interventions.

It is also concerning that in outlining the intentions to ensure that areas have the skill set to manage contracts, there is not specific mention of grant making. As previously stated, grants have been used badly under the current probation model. To ensure this is improved for the future probation system, specific attention should be placed to upskilling staff to manage grants effectively.

Interface between partners

While consideration between the NPS and providers is explored, there is no consideration given to the interface between providers themselves especially where they are commissioned through different systems, for example Probation Delivery Partners, the Dynamic Framework and other routes such as the Prison Education Dynamic Purchasing System.

There may be significant overlap of services particularly in areas such as education, training and employment that mean there is a need for providers to have visibility of each other and a mechanism through which to share information in order to ensure continuity, consistency and appropriate sequencing of interventions for service users.

We would suggest that one way to facilitate this would be to make the proposed service catalogue accessible, for information at least, to all providers so that there is visibility of providers across service user need area throughout probation areas. However further consideration to other mechanisms in addition to this is needed.

Transition planning

Unless planned for and managed carefully, the transition as the old contracts come to an end and the new ones start to mobilise will significantly impact the support people in the CJS receive and the services they can access. It will also impact the support provided by probation practitioners as new staff are recruited or transferred from CRC employment to the NPS.

HMPPS will create regional transition boards with representatives from across CRCs and the NPS, to support the transition period and CRC contracts coming to an end. The target operating model also states there has been investment in local and transition lead staff and the creation of transition boards and working groups across estates, operational practice and workforce. The scope of these boards and roles is still to be clarified.

We are concerned however that there has been insufficient attention to the impact of transition on current voluntary sector providers. This could have a knock on effect on continuity for service users and the available market of providers for the future model.

There is a need for the voluntary sector to be proactively engaged in each probation area during the transition process and included in transition boards and working groups, for instance the review of current Enhanced Through the Gate delivery models.

Equalities

The target operating model states that a dedicated equalities manager post will be created in each NPS area. The target operating model also commits to rigorous data collection and the principle of explain or reform recommended by the Lammy Review.

The creation of a dedicated equalities manager post is welcome. More clarity on this new post is needed including the scope of its responsibilities and where it sits in the NPS area's structure. The role should be at a sufficiently senior level and report directly to the regional probation director for it to have a meaningful impact. We also recommend that the responsibility for explain or reform rest with the new equalities manager.

The target operating model does not provide any information about whether a full equality impact assessment has been conducted. We suggest that as a matter of good practice, HMPPS should conduct and publish an equality impact assessment for the probation reform programme.

Commissioning tailored services

According to the target operating model, equality commitments will form part of the procurement process. During the bidding process outsourced providers will be required to demonstrate how they will be able to tailor interventions and services to people with protected characteristics (with a focus on women, people from BAME communities and young adults). It is also stated that where possible these will be written into contracts.

This is welcome but ensuring that all providers fulfil the Public Sector Equality Duty is only part of the solution. There must be a role for specialist organisations with expertise in providing services to particular cohorts in the new probation system.

We recognise the intention stated in the target operating model to ensure the role of voluntary sector organisations with expertise in providing specialist services to minority or protected groups, yet as previously outlined, we remain concerned that the complexity of the procurement approach will continue to present barriers for many of those organisations as they are more likely to be smaller, community-embedded organisations.

Addressing racial disparities

It states in the target operating model that each regional probation director will be responsible for delivering the relevant recommendations of the Lammy Review. The target operating model also specifies that practice and service design should take into account “the realities and impact of discrimination” and that performance measures will include a new target to record protected characteristics. It is unclear at this stage what specific information and data will be recorded.

Recognition of the need for the new probation model to address the Lammy Review is welcome, but the Lammy Review was conducted in the context of the Transforming Rehabilitation reforms. Therefore the detail of two of the three relevant recommendations will no longer be applicable. It is therefore important that HMPPS expand its approach for addressing racial disparities in the new probation system so that probation services respond to the spirit of the Lammy review not just the letter of its recommendations. This is important to ensure that the future model does not create other or similar disparities as the current system.

It is particularly welcome to see improved language used around cultural competency and recognition of discrimination and its impact. Clinks will continue to reiterate the importance of engaging with BAME-led services and BAME people who have been to prison and those that have been under probation supervision to inform the development of culturally competent practice.

Meeting the specific needs of women in the CJS

The regional probation director will also have responsibility for the delivery of the Female Offender Strategy in their area. The document at this stage makes reference to the £5 million funding for the implementation of the strategy.

£5 million fell far too short of the amount needed to implement the strategy and no information has been provided on whether more funding will be allocated to take the strategy beyond the financial year 2019/20 when it is due to end.



Clarity is needed around what investment will be made to support the strategy under the probation review programme, what elements of the strategy this investment will specifically support and where the remaining investment for the full delivery of the strategy will come from.

Additional cohorts

We acknowledge and welcome that the document more broadly recognises the need to address disparities experienced by BAME people, provide culturally competent services, and makes specific references to disparity in sentencing for black and Asian people. We would suggest that in future iterations of the operating model the disparities experienced by people from Gypsy, Roma and Traveller (GRT) communities also warrant specifically highlighting. As is often the case with ethnicity monitoring in the CJS, GRT people are often categorised as white. This does not reflect the distinct barriers and racism they face as members of GRT communities. It also obscures their disproportional representation and disparity of outcomes in the CJS.

There are a number of groups with protected characteristics who represent vulnerable cohorts within the CJS who are not specifically referenced in the document. Older people in prison represent the fastest growing group in the CJS and will require a significantly different approach to resettlement. Clinks' report, *Flexibility is Vital*, highlights the specific needs of older people in the CJS which continue to go under acknowledged and unmet.⁶ It also pointed to a number of examples of good practice in this area involving the voluntary sector that could support the development of an improved approach for older people on licence in the new probation model. Omitting consideration of how to best meet this group's needs, risks the model being inappropriate for one of the largest and most vulnerable cohorts of service users in the future.

What next?

Clinks has provided analysis of the impact of the proposals in the Target Operating Model on the voluntary sector to HMPPS and we will continue to discuss with them how the future model might be further refined to address any challenges presented for the sector.

The new probation model is developing at speed. Many areas are still to be developed and refined and updates can be lengthy and time-consuming to keep up-to-date with. Clinks will continue to support the sector to stay updated on developments in the probation reform programme and any further market engagement events through our blogs and briefings.

A more detailed version of the target operating model is due to be published in summer 2020. We will continue to advocate for the sector's feedback to be taken on board in the development of this version. We will produce another briefing on this which will highlight the key information that is important for the voluntary sector.



**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.**

Published by Clinks
© 2020
All rights reserved

Clinks is a registered
charity no. 1074546 and
a company limited by
guarantee, registered
in England and Wales
no. 3562176.

Block C, 5th Floor
Tavistock House
Tavistock Square
London WC1H 9JJ
020 7383 0966
info@clinks.org
🐦 @Clinks_Tweets
www.clinks.org/policy

The target operating model for probation

March 2020

End notes

1. Her Majesty's Prison and Probation Service (2019) *The Proposed Future Model for Probation: A Draft Operating Blueprint*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/822222/The_Proposed_Future_Model_for_Probation_-_A_Draft_Operating_Blueprint_-_HMPPS_-_19-06-2019_v.2.pdf [accessed 05 March 2020]. For a summary of the key points of the blueprint relevant to the voluntary sector, please refer to Clinks' briefing. Available at: <https://www.clinks.org/publication/proposed-future-model-probation>.
2. The regional probation directors have already been appointed. See [here](#) for more information.
3. HM Prison and Probation (2019) *The Proposed Future Model for Probation: A Draft Operating Blueprint*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/822222/The_Proposed_Future_Model_for_Probation_-_A_Draft_Operating_Blueprint_-_HMPPS_-_19-06-2019_v.2.pdf [accessed 05 March 2020]
4. A note on terminology: *Selection Questionnaire* is a questionnaire issued by contracting authorities to prospective bidders interested in securing public sector works, supply or services contracts as a way of short-listing interested parties which meet the applicable selection criteria. *Invitation to Tender* refers to the process once prospective bidders have been identified through the Selection Questionnaire and are invited to submit tenders which include quality and price responses to the Authorities requirements.
4. Clinks (2019) *Commissioning principles to enable the voluntary sector to deliver services in the future probation model*. Available at: <https://www.clinks.org/publication/commissioning-principles-enable-voluntary-sector-deliver-services-future-probation> [accessed 05 March 2020]
6. Clinks (2019) *Flexibility is vital*. Available at: <https://www.clinks.org/publication/flexibility-vital> [accessed 05 March 2020]