



Reducing Reoffending Third Sector Advisory Group (RR3)

Via video call

Tuesday 16th June 2020

RR3 members present:

Martin Blakebrough, Kaleidoscope
Dez Brown, Spark2life
Rod Clark, Prisoners Education Trust
Helen Dyson, Nacro
Nicky Park, St Giles Trust
Mike Pattinson, Change Grow Live
Chris Stacey, Unlock
Emma Wells, Community Chaplaincy Association
Dee Anand, Together for Wellbeing

Paul Grainge, Recoop
Peter Atherton, Community Led Initiatives (first session only)
Tina Parker, PACT (first session only)
Richy Cunningham, Recovery Connections (first session only)
Peter Dawson, Prison Reform Trust (second session only)
Jess Mullen, Clinks (first session only)
Anne Fox, Clinks (chair)
Will Downs, Clinks (notes)

Officials present (first session only):

Bettina Crossick, HM Prisons and Probation Service
George Barrow, Ministry of Justice
Jim Barton, Director of Probation Programme, HM Prisons and Probation Service
Penny Figgis, Ministry of Justice
Lucy Frazer QC MP, Minister of State, Ministry of Justice
Simon Marshall, HM Prisons and Probation Service
Susan Leeming, HM Prisons and Probation Service
Chris Taylor, HM Prisons and Probation Service

Apologies:

Lisa Dando, Brighton Women's Centre
Khatuna Tsintsadze, Zahid Mubarak Trust

Probation reform - with Lucy Frazer and officials

1. Introductions

- 1.1. Anne Fox welcomed and thanked the group for joining the call. She explained that the meeting agenda was decided at short notice, [due to the government announcement to cancel the commissioning of probation delivery partners \(PDPs\) on 11th June 2020](#). Probation has long been a priority for the RR3 and she thanked the group for their

continued engagement on the issue, [including those who have participated in the probation special interest group \(SIG\)](#).

- 1.2. Anne Fox welcomed and thanked Lucy Frazer QC MP, Minister of State, Ministry of Justice (MoJ) for joining the meeting, alongside officials from MoJ and HM Prisons and Probation Service (HMPPS). She thanked the Minister for her recent engagement on a number of issues and the honest and open relationship they had been able to establish in recent months. The Minister, officials and members agreed for the meeting to be recorded for the sole purpose of supporting the notes.
- 1.3. Lucy Frazer thanked the group for their continued engagement. She said she was impressed by the passion, interest, ideas and range of expertise when she attended the last quarterly meeting in March 2020. She considers the RR3 a fundamental group to help the government deliver the services that turn around individual lives and it is critical that the government learn from the extensive experience within the group.

2. *Initial responses to the announcement*

- 2.1. Anne Fox said that many in the voluntary sector welcomed the announcement to end PDP commissioning, but the decision also created concerns - principally that smaller voluntary organisations will face increased competition from larger organisations for dynamic framework contracts and that time and money will have been lost by organisations who were looking to partner in PDP bids or be part of potential supply chains. The changes to geographical scales in the revised scope for day one services have exacerbated some of these concerns.
- 2.2. Lucy Frazer explained the decision to cancel PDP contracts was not taken lightly and was motivated by the conditions presented by Covid-19. The government wants to ensure it delivers a vital area of public service in the most effective way possible. Given the uncertainty caused by Covid-19, the most practical way to do this was through the public sector. However, the government remains committed to the voluntary sector playing a vital role in the reformed probation model, of which the dynamic framework is a critical element.
- 2.3. Lucy Frazer said she understands nervousness for those looking to bid, and how past experience affects this, but the government are committed to the continued involvement of the voluntary sector in probation service delivery. For example, although the accommodation lot for day one services has increased in contract size, the government know they cannot lose services at a local level and those specialist services for black, Asian and minority ethnic people (BAME) and women. She also said that as part of their commitment to support the sustainability of smaller organisations in the voluntary sector, HMPPS, in collaboration with Clinks, have established a £300,000 grants programme.
- 2.4. Lucy Frazer said HMPPS wanted to deliver as much as possible from day one, and they had decided on day one services carefully through a gap analysis. She again thanked the group for their work and input into the probation reform programme. She expressed hope that the government and voluntary sector could continue to work together to deliver critical services. She invited the group to share their perspectives on how to ensure an orderly

transition to the new model and for organisations interested in the dynamic framework to share any issues they had faced in the processes.

3. *How in-house services will function*

- 3.1. Nicky Park asked how HMPPS would monitor and measure the quality of those interventions being brought back in-house. Lucy Frazer said the transition to the new system, including integrating new staff, was a massive exercise. HMPPS want to first ensure a stable delivery of service, but also think about how to improve services. They will consider how to deliver a better, more streamlined service, but make innovative changes and improvements too. Once services are brought back in-house, HMPPS will conduct evaluation and quality assurance to keep improving the service.
- 3.2. Nicky Park asked whether there would be budget within the new public sector delivery model to commission the voluntary sector where their expertise would be valuable. Lucy Frazer said the NPS won't be expected to deliver everything and there would be budget allocated to bring in additional expertise.
- 3.3. Nicky Park noted that mentoring is an essential service and a key strength of the voluntary sector, but appears not to be included in the day one delivery model. Lucy Frazer said she agreed that mentoring was essential. She regularly hears from experts that better outcomes are achieved when people's hands are held through processes. Sue Leeming later clarified that mentoring services were included in day one services under the personal wellbeing specification.

4. *Commissioning under the dynamic framework*

- 4.1. Mike Pattinson said he broadly welcomed the plans that, over time, should create a much clearer role for the voluntary sector. He said HMPPS should not miss opportunities to ensure services are commissioned in ways that align with existing regional structures. He expressed concern that the volume of micro-tenders would only benefit larger providers at the expense of smaller providers.
- 4.2. Lucy Frazer said that throughout this process, HMPPS have tried to make the model as local as possible, within the awareness that the more locally services are commissioned, the more competitions there are and the more complex that process becomes. Therefore, it has not been practical to have everything commissioned locally. Secondly, regional directors will have the ability to co-commission at local levels with other partners. The hope is they will do that with Police and Crime Commissioners, Clinical Care Groups, and other health partners to ensure routes for local services to be delivered.
- 4.3. Dez Brown said small grassroots BAME led organisations often don't get awarded contracts through these processes. He asked how the government planned to guarantee sufficient provision for BAME people. He also asked how HMPPS define what a niche BAME led organisation is if there is no criteria?

- 4.4. Lucy Frazer said BAME services were not a day one lot, but this doesn't mean they won't be delivered. All tenders will have to set out how they will support minority communities in their individual tenders.
- 4.5. Dez Brown asked how the government would guarantee that requirements to supporting BAME people would not be superficial. Chris Taylor later clarified that the department were committed to ensuring their assessments of meeting the needs of BAME service users were robust. They will look for bidders to demonstrate their intentions to tailor service provision to different cohorts through examples and evidence. They will exercise caution where large organisations are claiming they can meet specific needs on their own, and expect organisations to bring in small and specialist organisations to be able to do this. He said the department were running some sessions about how to build partnership and consortia with Clinks. They are willing to share with members of the group their plans for questions, criteria and evaluation ahead of call-off.
- 4.6. **ACTION: Prior to call off, Chris Taylor to share with RR3 the questions, criteria and evaluation that HMPPS will use to ensure bidders meet the needs of BAME people in the criminal justice system.**
- 4.7. Anne Fox said one of the issues threatening an orderly transition to the new model is the prescriptive IT requirement for organisations to deliver services through the dynamic framework. Some small organisations have done some initial work to look at how long IT accreditation will take and the costs involved. They have serious concerns over how viable it is. Later in the meeting, Chris Taylor said that he appreciated IT requirements were onerous, but Cyber Essentials Plus is a central government requirement for any organisation accessing this kind of data. They have set out a self-certification route, which would be less costly and time consuming for organisations to complete. He said they can focus some of the information sessions they are running with Clinks to bring in digital and teach people to help organisations understand these processes.

5. *Service user and sector engagement*

- 5.1. Anne Fox said service user involvement in the planning of services at a local level and in transition to the new system was important. There was an opportunity in these reforms to create a more open probation service with meaningful engagement with service users. Lucy Frazer said she thought engaging with service users was absolutely critical. At various points the department will need to make a case to the treasury for funding of the service, and evidence from service users and the voluntary sector will give weight to their case.
- 5.2. Anne Fox thanked the minister for attending. Lucy Frazer thanked the group for their work and assured the group they are listening. *Lucy Frazer left the meeting.*

6. *The role of the voluntary sector in the reformed model*

- 6.1. Anne Fox said one of the problems of Transforming Rehabilitation was that it left voluntary organisations in a binary position - either in a supply chain or cut out from the system. The sector's role was restricted to that of a provider of services, not as a provider of challenge,

evidence-based insight, service user involvement and advocacy. The voluntary sector would like to see better strategic engagement with the sector in the new model, particularly through the regional probation directors. It's imperative that the competition process doesn't preclude strategic engagement between regional probation directors and the voluntary sector.

- 6.2. Jim Barton said that while the future model will have similarities to probation pre-2014, they are not intending to recreate that model. They have strong ministerial direction to create a big, bold role for voluntary organisations, which didn't happen under Transforming Rehabilitation, and the dynamic framework is the mechanism to achieve this. He also said there was commitment to ensure the probation service is more open than pre-2014 and more willing to work in closer partnerships, for example with Police and Crime Commissions.
- 6.3. Chris Stacey asked about the role of regional probation directors with regards to employment services and the role of the voluntary sector in supporting people into employment. Jim Barton said they wanted regional probation directors to properly engage with the sector. Money that has been set aside for the dynamic framework is ring-fenced for that purpose, it is not in the gift of a regional probation director to not buy services, they have to spend money allocated to each service. There is a balance to be made with ring fencing and reflecting local needs. At each business planning round regional probation directors can make the case to spend less on specific lots based on existing provision.
- 6.4. Richy Cunningham said there has been much progress since the pre-2014 model in terms of multi-agency work and the understanding of contributory factors of offending. He said under the new model, regional probation directors should show strategic leadership to ensure that PCCs, local communities, public health, violence reduction units, CCGs are being brought together and are working together. Jim Barton said there is work being carried out to support HMPPS to better consider systems thinking. For example, the pathfinders stream of work and the reducing reoffending team that were set up last year.
- 6.5. Members said that since there was limited voluntary sector input into the regional gap analysis, strategic involvement between regional probation directors and the voluntary sector will be important to ensure there is consistent provision of services and to mitigate potential loss of voluntary services in the transition to the new system. Officials agreed this was important. They said that the relatively short-term contracts provided a learning opportunity for when they procure for the second generation of these contracts.
- 6.6. Anne thanked Jim, Chris and Sue for attending and for their continued engagement with the sector. She said the SIG would keep meeting to act as a deep dive into issues as they arise.
Jim Barton, Chris Taylor and Susan Leeming left.

Moj/ HMPPS updates

7. HMPPS updates

- 7.1. Bettina Crossick gave an update on her work on the £300,000 grants programme set up by HMPPS and administered with support from Clinks. She said they had received many applications to the grant programme and would have awarded more grants if they had

more money. Grants were focussed on smaller organisations, including those working with specific groups of people such as those providing specialist support for BAME people, women and care leavers. The panel involving Clinks, the Association of Charitable Funders and HMPPS provided a positive mix of experience and it has been a productive working relationship. Bettina Crossick said HMPPS are interested in learning from this process, especially how they have been able to mobilise this resource very quickly and how that can be taken forward into future grant funding.

7.2. Simon Marshall said they were able to make available this funding because some HMPPS grants that were recently awarded for face-to-face interventions had been postponed due to Covid-19. He acknowledged that the level of money available was insufficient to address all challenges and difficulties.

8. *Moj updates*

8.1. George Barrow said the sentencing white paper is at an early stage, but that the MoJ would welcome the RR3's input into the process in advance of publication of the final paper.

8.2. George Barrow said there had been further work to address race disproportionality, including another update on where the department are with the implementation of the Lammy Review and each recommendation. He said that, in his view, there was now a need to have a programme that goes beyond what was set out in the Lammy review. He continues to meet and work with Dez Brown and Khatuna Tsintsadze and other sector representatives across a number of issues. There is a meeting scheduled with BAME sector representatives and Alex Chalk MP, Parliamentary Under Secretary of State.

8.3. George Barrow said MoJ are working across departments to ensure that legislation around serious violence and sentencing doesn't have a disproportionate outcome on BAME people.

8.4. Anne Fox said the RR3 had written to Jo Farrar, HMPPS CEO last week, to ask for fast action in response to concerns set out by sector representatives of the impact of Covid-19 on BAME people in the justice system.

8.5. Anne thanked Simon Marshall, Bettina Crossick and George Barrow for attending the session.

8.6. *Simon Marshall, Bettina Crossick and George Barrow left.*

Session without officials

9. *Revising the work plan*

9.1. The group approved the minutes from the RR3 quarterly meeting on March 5th 2020. Anne Fox apologised that the minutes have not yet been published, but assured the group that they will be published alongside the minutes from the June quarterly meeting.

9.2. There are two outstanding actions from the previous meeting that have been delayed due to covid-19: a letter to officials asking for a formal response from the MoJ's on the recommendations made in the employment SIG and a letter to officials with Tracy Wild,

asking for a formal update on the MoJ's progression on implementing the recommendations made in the accommodation SIG.

9.3. ACTION: secretariat to discuss with Chris Stacey and Tracy Wild how best to take forward responses to employment and accommodation SIGs, given the changing context.

9.4. Anne Fox said the change in circumstances brought about by Covid-19 has meant that the RR3 work plan now needs to be revised. Not only has the policy context changed, but the relationship between the RR3, voluntary sector and government has also shifted, following the establishment of the Covid-19 SIG and the Third Sector Taskforce. Capacity also needs to be considered, as the RR3 have already exceeded the 12 meetings they commit to annually under the HMPPS grant agreement with Clinks.

Since March, the group has:

- Held two quarterly board meetings
- Held 12 meetings of the Covid-19 SIG
- Met once through the Probation SIG
- Held numerous smaller meetings between individual members of the RR3 and officials to provide specific advice on emerging priorities
- Provided feedback on a number of draft Exceptional Delivery Models for the prison framework
- Conducted two major pieces of work for MoJ/ HMPPS through the Covid-19 SIG
- Submitted a letter to Jo Farrar in support of BAME sector recommendations paper.

9.5. The group agreed that sentencing was a major priority and the chair and secretariat would explore bringing forward the date of the next quarterly meeting to provide feedback on a draft sentencing white paper with officials. The group agreed their focus for that discussion should be - using existing MoJ evidence to push for good provision of robust community options as part of wider sentencing reform and providing robust challenge on the race disproportionality impacts of sentencing reform proposals.

9.6. Members also suggested that should prison sentences increase, they could focus on how to make prisons more rehabilitative and, if prison numbers increase, ensure that money is made available to support delivery in prisons.

9.7. ACTION: Secretariat and chair to bring forward the date of the next quarterly meeting to enable a timely discussion on the sentencing white paper.

9.8. The group agreed it needed to be bolder on race. They recognised the potential strength of the group in giving wide sector support to the issues raised by BAME led and BAME focussed organisations. Meeting the needs of BAME people in the system and concerns over impacts of disproportionality will be central to the group's scrutiny of the sentencing white paper and probation reform. Anne Fox said the group must be conscious of existing mechanisms, such as EQUAL and the HMPPS External Advice and Scrutiny Panel, to ensure they are complementing this work.

9.9. Dez Brown welcomed the support of the RR3 and said a key concern for him was how to ensure BAME-led grassroots services form part of service delivery under the reformed probation programme and can help train predominately white middle class staff in probation services. The group agreed to explore either a specific SIG on race disparity, or consider how to ensure concerns of race disparity are central in work on sentencing and probation reform. Group also suggested that additional BAME led and BAME focussed organisations should be brought into those discussions.

9.10. ACTION: chair, secretariat and BAME specialists on RR3 to discuss how to best centre race disproportionality in the upcoming work of the group.

9.11. The group agreed to draft a pared down version of the work plan that focussed on:

- Monitoring the impacts of Covid-19 on service users and the voluntary sector
- Monitoring the development of and transition to the new probation model
- More effective representation and support of BAME-specialist providers
- Influencing the development of the sentencing white paper, providing robust challenge on community alternatives to prison and race disproportionality.

9.12. ACTION: secretariat to draft updated work plan following discussion.

9.13. Mike Pattinson is stepping down from his RR3 seat. Anne Fox and the group thanked him for his contribution to the group. The recruitment for the vacant seat will start as soon as possible.

ENDS