

Summary note of the RR3 Special Interest Group on Probation Reform – meeting on the reformed probation model

8th June 2021, via video call

Attendees:

- Helen Dyson, Nacro (SIG co-sponsor)
- Peter Atherton, Community Led Initiatives
- Rachel Atterbury, Together
- Martin Blakebrough, Kaleidoscope
- Sam Boyd, Switchback
- Sammi-Beth Clarke, Shelter
- Lisa Dando, Brighton Women's Centre
- Tracy Eadie, Recoop
- Gemma Fox, North Wales Women's Centre
- Niki Gould, Nelson Trust
- Amanda Greenwood, Lancashire Women
- Christina Hall, Lincolnshire Action Trust
- Heather Jonson, Langley House Trust
- Andy Keen-Downs, Prison Advice
- Catherine Kevis, YSS
- Mariam Khan, Islamic Support Centre
- Rokaiya Khan, Recycling Lives
- Vicki Markiewicz, Change Grow Live
- Ellie McNeil, YMCA Together
- Adam Moll, Social Interest Group
- Tina Parker, Pact
- Hamish Robertson, The Wise Group
- Laura Seebohm, Changing Lives
- Josh Stunnell, bthechange
- Robert Thackray, Recycling Lives
- Mike Trace, The Forward Trust
- Khatuna Tsintsadze, The Zahid Mubarek Trust
- Emma Wells, Community Chaplaincy Association
- Jess Mullen, Clinks (Chair)

- Franklin Barrington, Clinks
- Will Downs, Clinks
- Bryn Hall, Clinks
- Angela Lucas, Clinks
- Natalie Maidment, Clinks
- Tiegan Mercer, Clinks
- Noori Piperdy, Clinks
- Amanda Sherriff, Clinks
- Chris Stacey, Clinks

Officials present:

- Sonia Flynn, Executive Director Chief Probation Officer & Wales
- Gabriel Amahwe, Regional Probation Director, South Central
- Andrea Bennett, Regional Probation Director, North West
- Janine Burns, Office of the Regional Probation Director, West Midlands
- Martin Davies, Regional Probation Director, East Midlands
- Chris Edwards, Regional Probation Director, Greater Manchester
- Nicola Greenwood, Office of the Regional Probation Director, North West
- Steve Johnson-Proctor, Regional Probation Director, East of England
- Lynda Marginson, Regional Probation Director, Yorkshire and Humberside
- Mary Pilgrim, Regional Probation Director, Surry and Sussex
- Karen Tipping, on behalf of Regional Probation Director, London
- Chris Taylor, Probation Reform Programme, HMPPS

Apologies:

- Nicola Davis, Regional Probation Director, Wales
- Angela Cossins, Regional Probation Director, South West Region

Background information

- This meeting of the Reducing Reoffending Third Sector Advisory Group (RR3) Special Interest Group on probation reform (probation SIG) was convened to discuss the opportunities and challenges for the voluntary sector to work in partnership with Regional Probation Directors (RPDs) ahead of the reunification of probation taking place on 26th June.

Introduction from the Chair

- Jess Mullen welcomed attendees and invited introductions from Sonia Flynn and representatives from regional probation offices. Jess explained that voluntary sector attendees have been invited with the aim of ensuring the breadth of knowledge and expertise in the sector is reflected at this meeting. Attendees included openly-recruited RR3 members, co-opted members of the probation SIG and additional co-opted members to ensure diversity of expertise in relation to geographical regions, organisation type and cohorts of people worked with.

Regional partnership working under the reformed probation model

- Sonia Flynn, Chief Probation Officer, gave a short presentation in advance of the reformed probation model, due to go live on 26th June 2021.
- Sonia said probation services are stronger when they work in partnership with other agencies and she was hopeful that RPDs can establish strong networks with voluntary sector organisations to come together both in an advisory and a delivery capacity.
- Following conversations with the Archbishop of Canterbury, it has been arranged that a bishop will be provided for each probation area. Many charities have histories or current arrangements with faith groups and the probation service want to grow their connections with these voluntary organisations.
- Each RPD has been assigned a thematic area to provide leadership on across the probation service. A directory with this information will be shared.
- Sonia highlighted that probation reform was taking place in the context of a renewed focus from central government on reducing reoffending, including a range of recent initiatives around the provision of accommodation, health services, and education, training and employment for people leaving prison, as well as a focus on strengthening community orders and a refresh of integrated offender management.

Overview of the issues impacting the sector

- Jess Mullen gave a presentation outlining some of the key issues around probation reform highlighted by the RR3 probation SIG.
- The majority of delivery partners in the new probation service will be voluntary sector organisations and about two-thirds of the contract value has gone to the voluntary sector.

Despite this, there are only 23 voluntary sector lead providers of resettlement and rehabilitation services under the new model and involvement of small and specialist organisations, including those led by and focussed on racially minoritised people, remains limited. Whilst the outcomes for the women's contracts overwhelmingly fell to specialist women's centres, there are worries that not all the needs of women in contact with the criminal justice system will be covered in the contracts. There are also concerns about the lack of Welsh organisations delivering in Wales.

- The RR3 probation SIG has provided feedback to the Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS) on some of the underlying reasons for this outcome, including issues around the procurement process, technical requirements, timeliness and accuracy of information, and contract values. The main challenge was that smaller, specialist, and more local organisations found the process too complex.
- It is hoped that the positive relationships that have been built through the RR3 with the probation review team can continue with regional probation offices and that learning can be used to inform future commissioning.
- Key issues RPDs will want to consider include how the complexity of commissioning can be reduced and the use of grants as the default funding method. To help the voluntary sector plan ahead, and to help identify gaps in services, the timeframes and budgets for future service categories need to be shared. The power of the voluntary sector should be drawn through the delivery of services, but also as a strategic partner to contribute to the design of services.
- The RR3 probation SIG has also engaged with the independent review of the Dynamic Framework, and it is hoped that the findings of the review reflect the key insights of the RR3.

Discussion

- Attendees were split into breakout rooms with RPDs and representatives of regional probation offices to discuss the strategic importance of partnership working at the regional level.
- The discussions were chaired by a Clinks member of staff, and conversation was focused around three prompts:
 - Organisations' experience of engaging with probation services and the probation reform programme
 - What needs to be improved in future commissioning of probation services, and how can more opportunities for small and specialist organisations be fostered?
 - What is needed for effective partnerships to be developed between regional probation teams and the local voluntary sector, both within and beyond supply chains?
- The following provides a summary of discussions held across the breakout groups.

Engagement with the probation programme

- Some individuals said they have been involved in probation for years. They had learned a lot over the years from engaging with criminal justice procurement, including how to overcome

barriers in the procurement process and their organisation have been successful in winning contracts under the new reforms.

- Some individuals said that their organisations struggled to resource the level of work needed to qualify and bid for contracts. They highlighted that the process is too resource intensive, particularly in relation to cyber security requirements. Even organisations with a dedicated business development team struggled to find the resources and skills needed to do this work. One organisation stressed they wouldn't have been able to undergo this process without the implementation funding that they received. Another organisation explained that due to their specialist nature, and being unable to work across a large footprint, they were unable to bid. On the whole, organisations felt day one commissioning was set up for larger and more corporate organisations.
- Some felt that the RR3 had helped to flag barriers organisations faced with the initial round of call-offs which led to improvements in later competitions.
- It was expressed that the RR3 probation SIG had been useful in effecting change, particularly around the women's lot. Women's centres won many of the contracts to deliver specialist women's services, though some smaller providers still missed out. There are still concerns too whether sufficient funding has been allocated to women.
- Some organisations expressed their concerns about retaining their voluntary sector values and flexibility whilst delivering contracts.
- Poor information sharing can sometimes act as a barrier to voluntary organisations' engagement.

Learning for future commissioning

- For future commissioning, locally based provision would be better placed to add value to contracts. It can be difficult for smaller organisations to build partnerships for commissioning at a regional level, due to the complexity of the commissioning process and in some cases a perceived difference in values between smaller organisations and large providers.
- Smaller organisations need to be provided with more support to build relationships locally and navigate the commissioning system. Whilst one-off events are helpful, there needs to be consistent opportunities for engagement with regional probation offices, and Clinks should be used as an intermediary to build strong networks in every region.
- Others highlighted the need for grant funding to be available, with a focus on outcomes rather than outputs and onerous reporting. Grants need to be long term to help organisations with budgeting and staffing.
- Worries were raised about some intellectual property clauses in contracts that mean the government can claim proprietary rights over any services delivered by voluntary organisations. This reduces the quality of the potential offer. It is important to recognise when charities have spent resources on developing their programmes.

- Some organisations reported that more communication about commissioning processes was needed. The complexity and tight deadlines of commissioning processes made it almost impossible for small organisations to take part, and so a process needs to be developed that enables these smaller, community-led organisations to take part. Where partnerships had been successfully formed, they were the result of many months planning, and there was not enough time for most organisations to have done that. This communication issue was particularly highlighted around it being the case that not all organisations in a supply chain needed to qualify onto the Dynamic Framework, with clarification on this coming too late.
- Some highlighted there were a few positive aspects of the Dynamic Framework, such as self-certifying that you had, or could create, policies, which helped free up time. In addition, there were some measures to prevent costs being incurred before contracts had been awarded. It was also mentioned that the Dynamic Framework could help in forming partnerships, but information was not timely enough to allow this to happen.
- Questions were raised as to whether other commissioners, such as PCCs and the Department for Work and Pensions would be able to procure services through the Dynamic Framework.
- It was also highlighted that some of the large providers in Wales are small compared to providers in England. It was suggested that Wales needs to be treated as its own country, rather than a region of England.
- A representative of a regional probation office said they wanted to use the Regional Outcomes Innovation Fund to offer smaller contracts. They envisage that the role of Head of Community Integration will become a single point of contact for the voluntary sector.
- Commissioning priorities should be focussed on the needs and gaps. There will be a need to make sure that mechanisms are available for the MoJ to bring partners to the table. There is a need for the Probation Service to look at internal governance and to have a central community integration committee.

Opportunities for small and specialist organisations

- Small and specialist organisations cannot provide services across the whole probation region, preventing some of them bidding for contracts. Where contracts were based on Police and Crime Commissioner (PCC) areas, as was seen with the women's services contracts, this was welcomed.
- It should be acknowledged that smaller organisations can manage well and be less risk adverse, this feels like a fresh start and a good opportunity to recognise the contributions that smaller organisations can make.
- It was noted that more specialist provision was more costly and so small and specialist organisations often find it financially difficult to provide services on smaller contracts.
- A representative of a regional probation office said they have a genuine intent to work with smaller organisations and they are building bridges with the voluntary sector. However, they are not sure of the best way to work with smaller organisations and of the commissioning

model. The money is there, but more work needs to be done on the detail. They described work being done with small, peer-led organisations with the aim of honing local provision and creating infrastructure that allows local organisations to take part. They are keen to make sure local organisations do not become civil servants, and are considering how to balance different cultures: they do not want the energy and flexibility of the sector to be diluted.

- A representative of a regional probation office said their three-year reducing reoffending plan included a vision of commissioning local services, however they acknowledged there were a number of complexities to work through before this could be realised. For example, they want to strike a balance around commissioning localised services but providing a universal system across the region to avoid large variations in service and need to do some work to understand the landscape of what services exist in the region first. They also believed they would need to do some capacity-building work with organisations who are led by and focussed on racially minoritised people.

Effective partnerships between regional probation offices and the local voluntary sector

- Organisations were interested in how regional probation offices will develop forums and how voluntary organisations will engage with these forums. There was a question about how this will link in with existing structures, and whether the experience of the voluntary sector should act as a centre of excellence.
- It was recommended that a voluntary sector forum should be held in each region to increase awareness and ensure the RPD takes ownership of engaging with the voluntary sector. Attendees agreed that Clinks need to continue to bring the voluntary sector together to keep the energy alive.
- Probation needs to work collaboratively as a partnership. Contract management issues need to be supportive and not punitive to avoid a repeat of Transforming Rehabilitation.
- The need for specificity was highlighted, to ensure the diversity of the voluntary sector is represented. There needs to be opportunities to connect and meet focal points. Time is wasted, for example, for women-specific organisations at generic reducing reoffending boards, as so much time is spent looking at the male estate. This should also be the case for issues around race and disability. But alongside this, larger providers need to be held to account to build partnerships across the sector.
- A representative of a regional probation office said their Reducing Reoffending Boards would be chaired by the Head of Community Integration and they will ensure all sectors are represented on the boards.
- The need for good relationships with providers and opportunities to engage was highlighted. The probation service and commissioned providers need to be proactively engaged with local organisations that have not been commissioned.

Feedback

- Upon returning to the main session, representatives of regional probation offices were invited to share their reflections on the discussions from the breakout groups.
- Sonia Flynn said there was lots of conversation about developing relationships for advisory reasons, rather than just focussing on purchasing. There were learnings to take from the pandemic about using technology to run more meetings and forums online, whilst acknowledging the value of face-to-face.
- Chris Taylor said that the decision was taken to commission day one services through contracts, but grants remain an option. Chris didn't think that they would reach the point where grants would become the default, but HMPPS sees grants as being an option in the future and clearer guidance may need to be issued on when is the right time to use a grant and a contract.
- Chris Taylor distinguished between what had been done centrally to manage day one services, and what can now be done locally once the new service is established. Covid-19 was definitely a factor in taking decisions centrally and had forced their hand on some strategic matters. For example, some competitions were run a regional level, where they may have been run at a PCC level had the pandemic not come about. The Dynamic Framework will be around for seven years, and so there will be further commissioning opportunities at a local level. He also pointed out that Dynamic Framework does not necessarily need to be the route for future commissioning.
- Gabriel Amahwe spoke about effective engagement, and how the pandemic has revealed that they can build up more than they might have previously thought. Gabriel was keen to discuss the reducing reoffending boards and local criminal justice boards, setting up local commissioning panels to understand what is out there in the local community because not bringing in a wide range of stakeholders will mean something will be missing.
- A member of the group said there was a time when probation was embedded in communities, but this is less the case now. Sonia Flynn said that this was partly a consequence of the Transforming Rehabilitation split of offender management, which meant neither the NPS or CRC had the resources to attend everything, or both turned up and experienced duplication. Having the new regions in place and having dedicated functions around community engagement and commissioning should improve this situation.
- Andrea Bennett said from the 26th June, they will be delivering services out of much smaller units, so people being responsible for smaller geographical patches will allow them to engage more locally. Andrea noted the number of comments on the complexity and resource intensiveness of the Dynamic Framework and the problems this caused for smaller organisations. Going forward, it is hoped the Regional Outcomes Innovation Fund available to each RPD will provide opportunities to smaller organisations.
- A member of the group spoke positively about the idea of regional partnership forums and sharing good practice across the service so positive ways of working are more universal. They acknowledged the benefits of using the structures that already exist, but questioned how much more could be added to the agendas of those meetings. Sonia said she expected partnership networks to grow, but how they grow would likely be different in each local area, depending on local needs.

- Steve Johnson-Proctor discussed the need for regional probation offices to get involved in a wider social inclusion agenda with local partners, as opposed to just having a focus purely on criminal justice issues. This was welcomed by a member of the group who also said it was vital that beneficiaries of the services are included in these spaces and conversations.

Concluding remarks

- Jess Mullen thanked the attendees for their time and input. Jess also highlighted that Clinks will be publishing a final report of the RR3 Probation SIG at the end of June. Although this group is finishing, Clinks will be continuing to engage with the probation review team going forward, including by launching a new RR3 special interest group on commissioning.
- Sonia Flynn also thanked the attendees for their time and input and suggested the idea of reconvening in a year's time to see how far the commissioning process has come.
- Jess Mullen gave a final thanks and brought the meeting to a close.

ENDS.