

Tracking the voluntary sector's experience of the **probation reform** programme

The commissioning
of day one services



About this report

This report details the experiences of voluntary organisations in relation to the procurement process which took place between June 2020 and May 2021 for rehabilitation and resettlement services to be delivered from June 2021 as part of the probation reform programme.

We included views and experiences from a range of voluntary organisations – from those who decided not to take part in the process at all, to those who were successful in bidding and winning contracts through the Dynamic Framework.

The research project which has underpinned this report forms part of Clinks' work on the probation reform programme. The findings aim to inform future commissioning processes, including the commissioning of voluntary sector organisations in public service delivery more broadly.

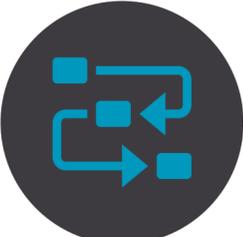
This report draws on evidence gathered from a survey of voluntary organisations and semi-structured interviews with eight organisations.

This project is delivered with support from the Centre for Regional Economic and Social Research at Sheffield Hallam University, the University of Wolverhampton, and the Institute for Voluntary Action Research.



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Summary of recommendations

Recommendation 1

Market engagement processes should be timely and give organisations clear and accessible information. The use of jargon should be limited, with any technical terms clearly and accessibly defined by the commissioning authority.

Recommendation 2

Capacity building support should be provided for small, specialist organisations to support them to engage with commissioning processes and to navigate the Dynamic Framework for example.

Recommendation 3

The Dynamic Framework and similar commissioning tools need to be simplified to ensure they are proportionate – the information required and time taken to complete the process should reflect the nature and value of the contract being tendered.

Recommendation 4

Procurement teams should be adequately resourced to provide ongoing and robust support to organisations throughout commissioning process. Furthermore, team members should have relevant expertise for the services being commissioned.

Recommendation 5

Contract size should be reviewed and where possible reduced and let over the smallest possible geographical area to enable full engagement of small, specialist providers.

Recommendation 6

To encourage and facilitate the engagement of small, specialist organisations in commissioning processes to ensure true diversity of providers, grants should be the default funding option for voluntary sector organisations. Grants should be provided for three years.



Recommendation 7

Guidance should be developed on the circumstances in which a commissioner would choose a contract over a grant to support decision making.

Recommendation 8

The true and full cost of services need to be determined to prevent organisations needing to subsidise their work from other sources. This needs to be done in partnership and through consultation with existing service providers, especially specialist organisations.

Recommendation 9

All Regional Probation Directors need to proactively reach out to and engage with all voluntary sector organisations in their areas, including those who are already registered onto the Dynamic Framework and those who are not. In doing this they should create clear and accessible structures to enable voluntary sector engagement. Voluntary organisations are more than providers of services and this engagement needs to inform future commissioning processes.



Background

Reviewing the Transforming Rehabilitation reforms

In 2018 the Ministry of Justice published *Strengthening Probation, Building Confidence* to review the future of the probation service in response to significant concerns with the Transforming Rehabilitation model.

The Transforming Rehabilitation reforms were introduced in 2015 by then Lord Chancellor and Secretary of State for Justice, Chris Grayling. These changes involved the outsourcing of large parts of the probation service in England and Wales. Under the Transforming Rehabilitation model, the National Probation Service (NPS) was responsible for managing people who were regarded as high risk, and 21 Community Rehabilitation Companies (CRCs) managed people who were deemed to be of medium or low risk. The CRCs also had responsibility for supervising people who had been given a prison sentence of less than 12 months, following their release.

After their introduction, the Transforming Rehabilitation reforms came under considerable scrutiny, and it became evident that the reforms had not led to the improved practice or innovation that they had originally set out to achieve. HM Inspectorate of Probation (HMIP) described the Transforming Rehabilitation model as “irredeemably flawed,” noting that eight out of

10 CRCs inspected during 2018 had received the lowest possible rating of “inadequate” for the implementation and delivery of probation services.¹

Clinks’ TrackTR research² found voluntary sector involvement in delivering probation services was low, with many of the voluntary sector-led services funded by CRCs reported as being unsustainable. Some organisations subsidised services through charitable reserves or other funding sources. This finding was supported by the National Audit Office, which noted the involvement of voluntary organisations in Transforming Rehabilitation was ‘patchy’.³

These findings were supported by the Justice Committee which concluded that it was a “mistake to introduce the Transforming Rehabilitation reforms without completing thorough piloting.” The Committee also highlighted that CRCs were forecast to make a loss over the lifetime of the contracts despite additional government funding, and the Transforming Rehabilitation reforms had not increased the involvement of the voluntary sector within probation.⁴

Following the launch of the Ministry of Justice’s *Strengthening Probation, Building Confidence* consultation, we worked closely with the Ministry of Justice (MoJ) and Her Majesty’s Prison and Probation Service (HMPPS) to engage the voluntary sector in responding and to support the review to take into account the findings and recommendations of our TrackTR research.



The reunification of probation services

Following the consultation, a new unified model of probation, consisting of 12 probation areas was announced in June 2019, with the new service to commence operations on 26 June 2021. In announcing these reforms, the government reaffirmed its commitment to, and recognition of, the role of the voluntary sector. It noted the voluntary sector had some of the “best experience, innovation and skill to tackle these issues,” and that it would “play an enhanced role in the probation system.”⁵

Day one services for the new Probation Service were commissioned by HMPPS and the MoJ through a ‘Dynamic Framework’. These are resettlement and rehabilitation services that would be available to people from the first day of the unified probation system going live. The Dynamic Framework is a new system that was created for the commissioning of probation services. The day one services commissioned were:

- Accommodation
- Education, employment, and training
- Personal wellbeing (this has been split into three separate specifications: peer support, emotional support and family support)
- Specialist services to support women (encompassing all of the services above).

Initially HMPPS had planned only to commission a specialist women’s service for personal wellbeing. We are extremely pleased that following Clinks’ feedback this

broader specialist service was commissioned, recognising the need for women to receive a more holistic women-centred service to meet a wider range of needs.

Other services, such as dependency and recovery; finance, benefits, and debt; and restorative justice will be commissioned by Regional Probation Directors (RPDs), based on local need. RPDs exist in each probation area and will also have responsibility for recommissioning the day one contracts when they come to an end in March 2025 (or March 2026 for the specialist women’s services).

It is important to note that HMPPS is not procuring day one services for Greater Manchester through the Dynamic Framework. HMPPS is co-commissioning these services with Greater Manchester Combined Authority (GMCA) and is procuring them through GMCA procurement routes.

Commissioning of day one services

The commissioning process for day one services was completed in May 2021 and resulted in approximately two-thirds of the total contract value being awarded to voluntary organisations. In addition, the contract lot for the provision of specialist women’s services was entirely awarded to voluntary sector organisations. This means that, overall, 23 of a total of 26 lead providers are from the voluntary sector.

Looking more closely at the organisations that were successful in bidding for day one contracts, it becomes apparent that only a very limited part of the voluntary sector is involved. The voluntary sector working in criminal justice



is made up of approximately 1,700 organisations who are predominantly small, local and specialist. But across 110 contracts to deliver rehabilitation and resettlement services in the new probation system there are only a very small number of lead providers and they are mainly larger voluntary organisations.⁶ Moreover, there are no Welsh organisations leading delivery in Wales, and there is limited involvement in supply chains of very small and local organisations, or those led by and focused on racially minoritised people.

Against the background of this profile of organisations delivering day one services, and the government's continued commitment to the voluntary sector in delivering probation services, we set out to explore the sector's experience of the commissioning process in more detail.



Methodology

The findings presented in this report are based on data collected through a survey, alongside semi-structured interviews. The survey was run online between May and July 2021, asking organisations approximately 40 questions that allowed them to fully explain their experience of engagement with the new probation reform programme.

Download the survey questions 

The survey was promoted through Clinks' networks, including via partner organisations, to our thematic networks, our Light Lunch ebulletin which has 13,000 subscribers, and on social media. In total, the survey received 241 responses, 128 of which were useable responses. This data was analysed by the research team (academics from the Centre for Regional Economic and Social Research at Sheffield Hallam University, the University of Wolverhampton, and the Institute for Voluntary Action Research) between July and August 2021.

We supplemented this survey by carrying out eight semi-structured interviews with a range of organisations, including those who won contracts, and those who chose not to apply to join the Dynamic Framework and so were unable to bid. We worked to ensure organisations were diverse in their size, focus

and approach. We conducted the interviews with organisations to obtain a detailed and in-depth perspective of their experiences and used the information to generate case studies that are represented throughout this report.

These organisations were initially approached by Clinks and then interviewed by the research team. An example topic guide used for the interviews can be downloaded [here](#) . The interviewed organisations gave their permission for their responses to be published and attributed.

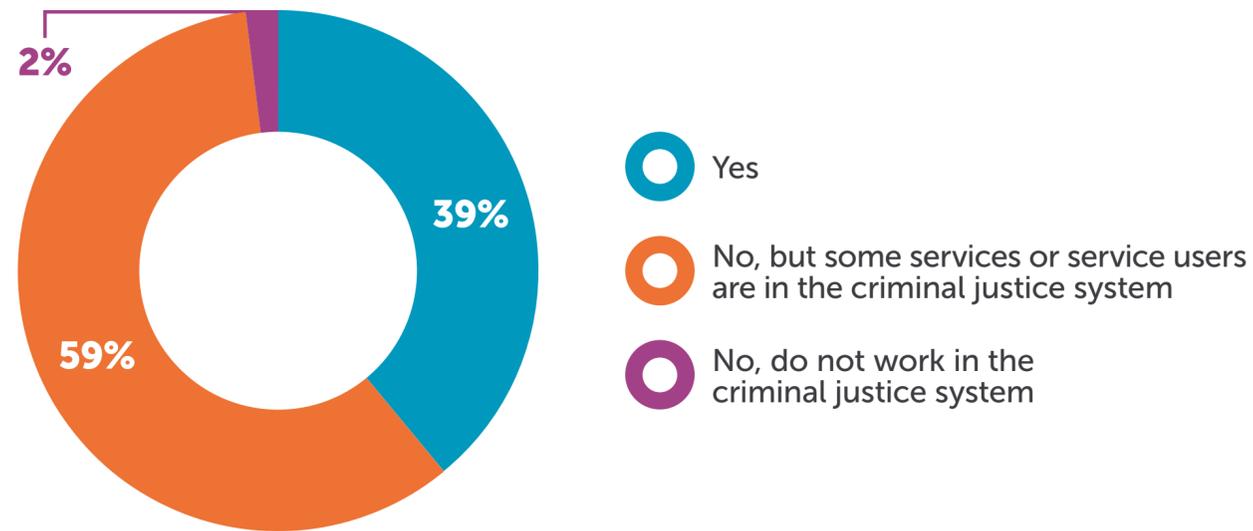
Characteristics of respondents

Of the organisations that responded to the survey, 87% were Clinks members. 39% stated their main purpose was to work in criminal justice, with 59% having some services or service users in the criminal justice system.

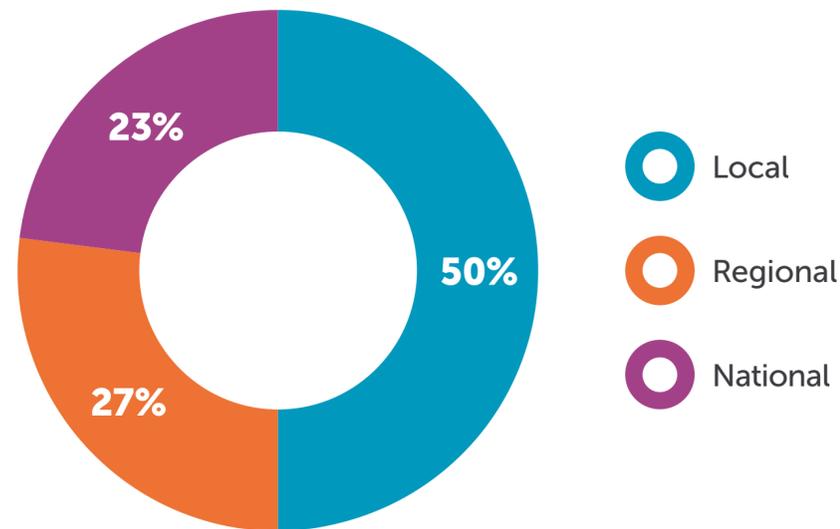
In terms of size, three quarters of organisations had fewer than 50 employees, and just under half supported fewer than 200 clients as part of their criminal justice work in the past year. Nearly nine in ten organisations reported they utilise volunteers in their work.



Is your organisation's main purpose to work in criminal justice?



Geographical focus of organisations



Moreover, half of the respondents described themselves as local (covering one or more local areas), just over a quarter as regional (covering one or more region), and just under a quarter as national (with a nationwide remit). This indicated that many of the respondents are from smaller organisations, which is consistent with what we know about the voluntary sector working in criminal justice. The geographical spread of respondents was fairly even, with each probation area seeing at least 20% of respondents reporting that services were delivered there. See [page 11](#) for a graph showing the distribution of respondents by geographical area.

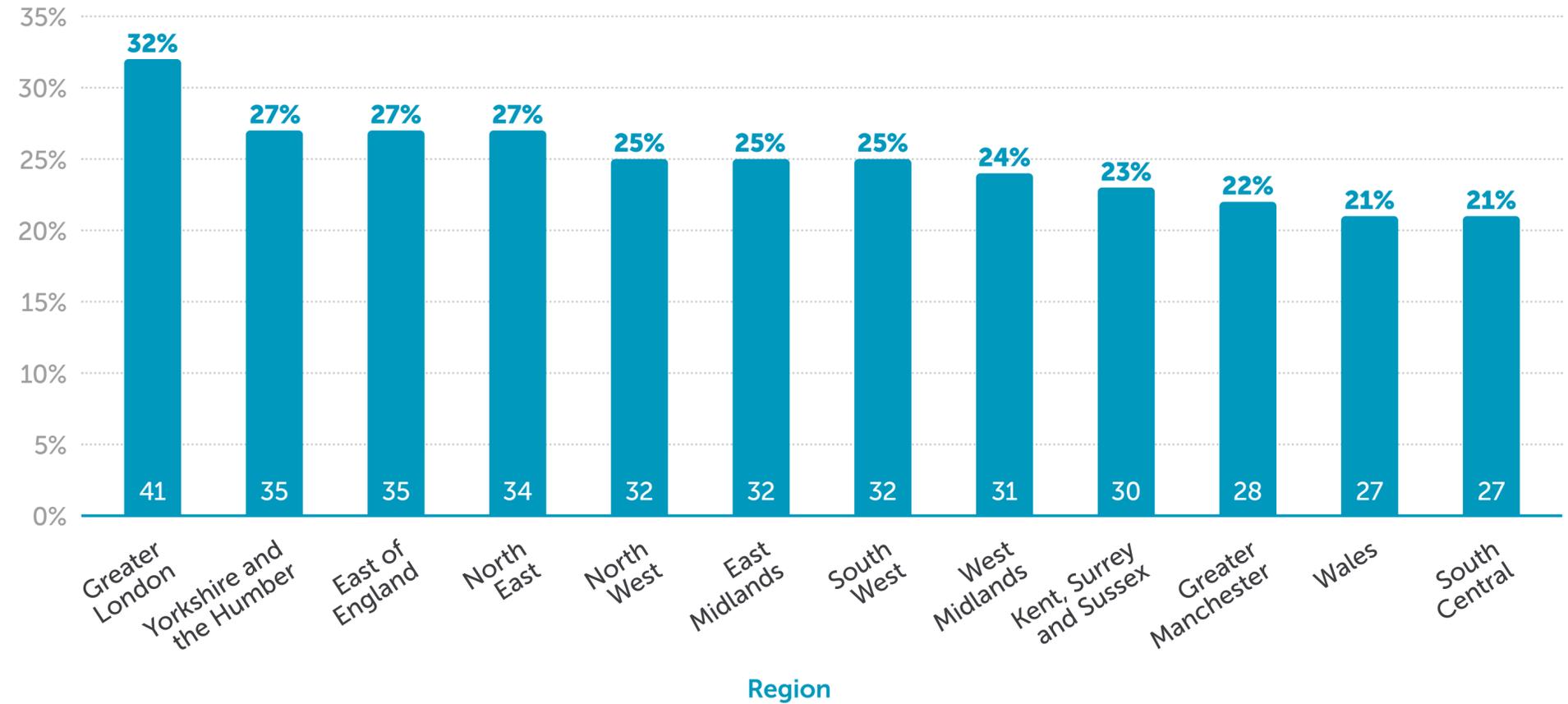
Responses indicated the diversity of services delivered by voluntary sector organisations and a variety of service user needs. About three quarters of organisations reported working with people with mental health needs, and a similar proportion work with people who have substance misuse problems. 60% work with people who are homeless and 52% with people who have learning difficulties/disabilities. 53% work with racially minoritised people and 81% with women. Of 124 organisations, 13% are women-specific, with their main stated purpose being to provide services to women, and a further 24% run projects or services specifically for women. There were also 5% whose main purpose is to provide services for racially minoritised people, and 9% run projects or services specifically for racially minoritised people. See [page 11](#) for the full table of service users supported by the organisations who responded.



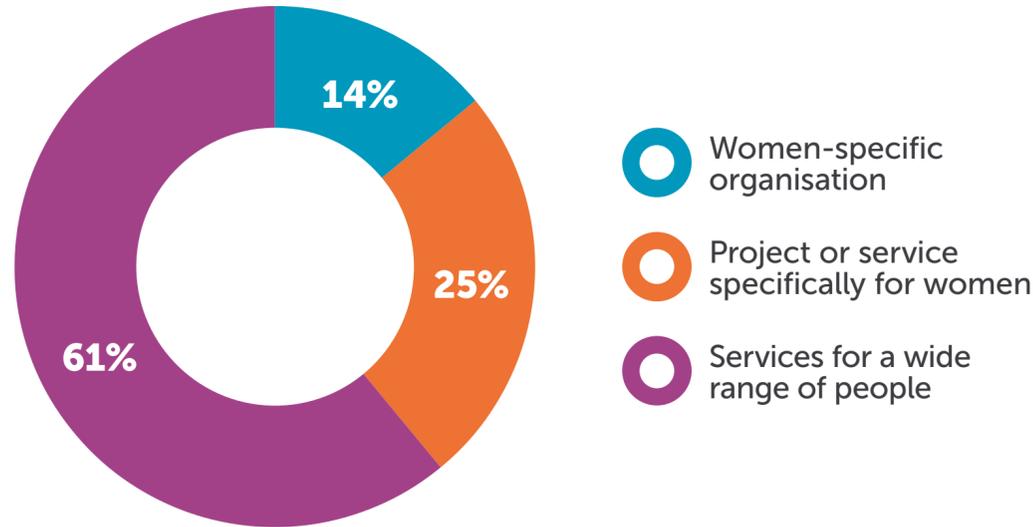
Who are your service users for your criminal justice work? (Please tick all that apply)

Service users	Count	%
Men	105	82%
Women	104	81%
People with mental health needs	95	74%
People with substance misuse problems (e.g. drugs, alcohol)	92	72%
Young adults (aged 18-25)	87	68%
Older people (50+)	78	61%
People who are homeless	77	60%
Racially minoritised people	68	53%
People with learning difficulties/disabilities	67	52%
People with a particular financial need (including poverty)	64	50%
Families of people in contact with the criminal justice system	54	42%
Lesbian, gay, bisexual and transgender (LGBT) people	53	41%
Care leavers	53	41%
People with physical disabilities	52	41%
People from faith communities	42	33%
Foreign nationals	36	28%
Children (aged 17 and under)	24	19%
Other	11	9%
Base	128	

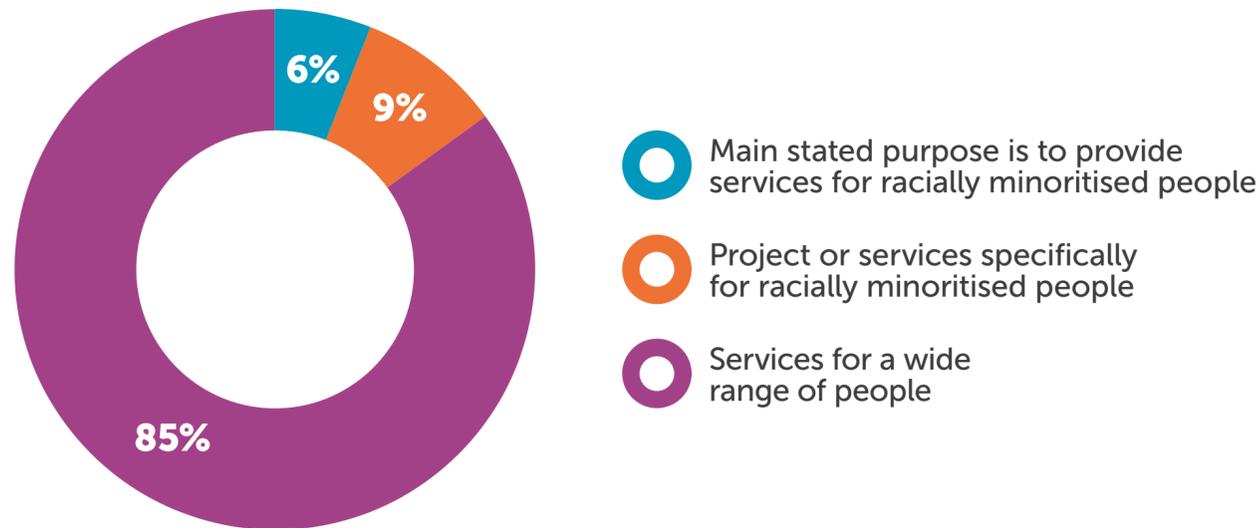
In which areas do you deliver your services?



Specialist women's organisations

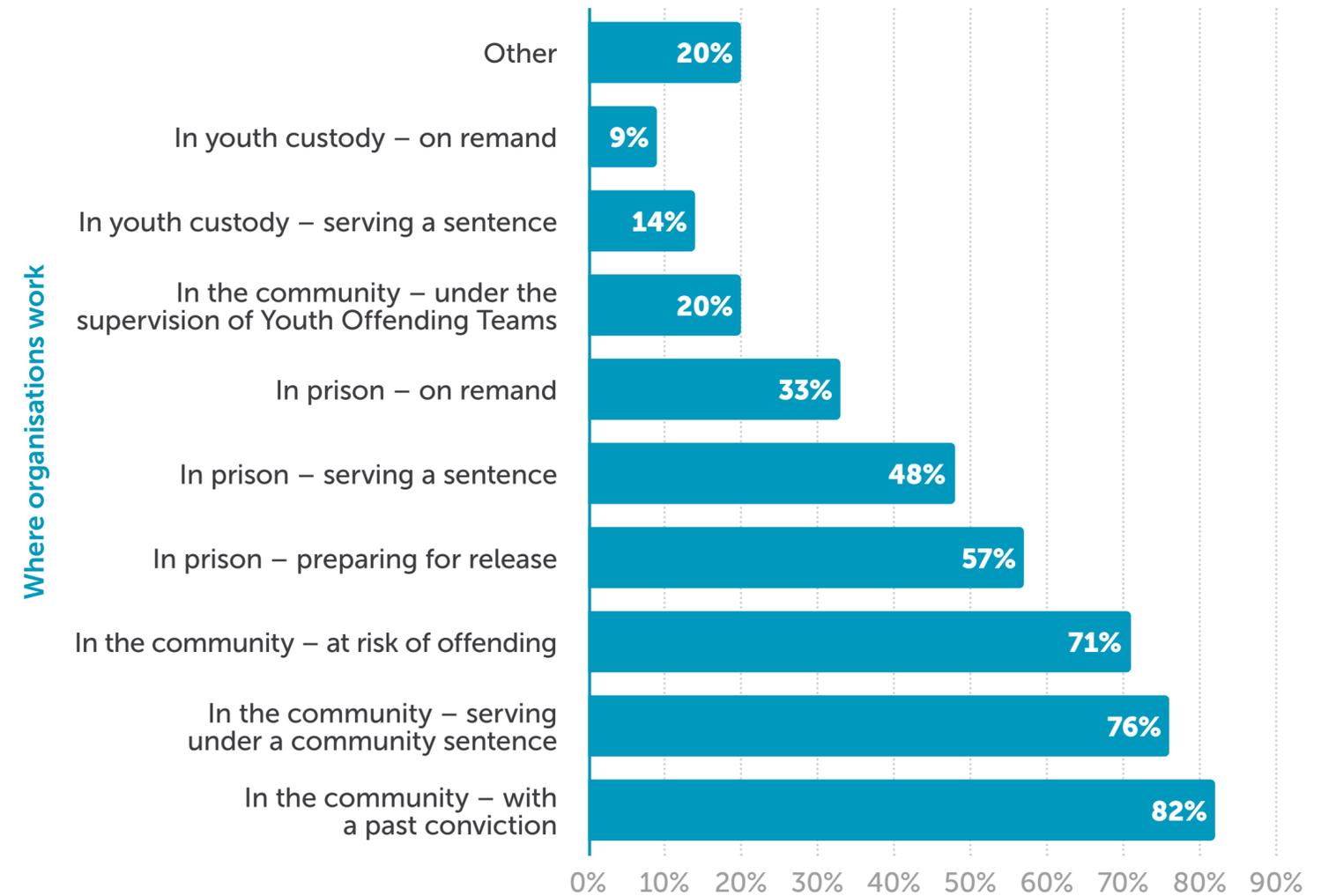


Specialist organisations for racially minoritised people



The majority of organisations – 76% – work with people in the community serving a community sentence. Many organisations deliver services in prisons, with 57% working with people in prison preparing for their release. Please note that organisations could tick as many options as were relevant to them.

Where organisations work



Respondents reported a wide range of areas of work, with the most common including services or programmes aimed at people’s attitudes, thinking, and behaviour (66%); providing emotional support (62%); mentoring, befriending, and coaching (55%); mental health (55%); and education, training, and learning (54%).

Note on the data and limitations

The sample of organisations is not necessarily representative of the whole criminal justice voluntary sector: it is made up of organisations who chose to complete the survey. Most questions were answered by not more than 128 respondents. Consequently, there must be caution when interpreting the results of this research.

Where we have made conclusions based on the research findings, we have been clear about the percentage and number of organisations who provided that view. The response rate to some of the survey questions varies because some people have skipped questions, or the question might not have been relevant to the respondent. Where questions had very low response rates, we have been unable to make broader claims about the voluntary sector’s experience.

Engaging with the probation reform programme

We wanted to capture the range of experiences voluntary sector organisations have had in relation to engaging with the probation reform

programme – from those who decided not to take part in the process at all to those who were successful in bidding and winning contracts through the Dynamic Framework. The information we have gathered is complex and represents the diversity of the voluntary sector and its experiences.

We have focused primarily on the commissioning process and in the following report we begin by looking at organisations’ views and experiences of the first stage of this, market engagement. This is the stage of the commissioning process where preparatory documents are released, and events are held to gather feedback from potential bidders and support organisations to prepare for the commissioning process.



Market engagement



When we asked organisations if they wanted to deliver services under the new probation arrangements we found that 79% (106) said yes. This is perhaps unsurprising given the nature of the research as we would expect people engaged in the process to respond to the survey. The case studies demonstrated that organisations who had prior experience of delivering services through the Transforming Rehabilitation reforms (the previous reforms to probation) were more confident of navigating these processes and had a better idea of what to expect.

We asked organisations about the information they received, whether they had time to digest and understand it, and if the approach was flexible. They told us:

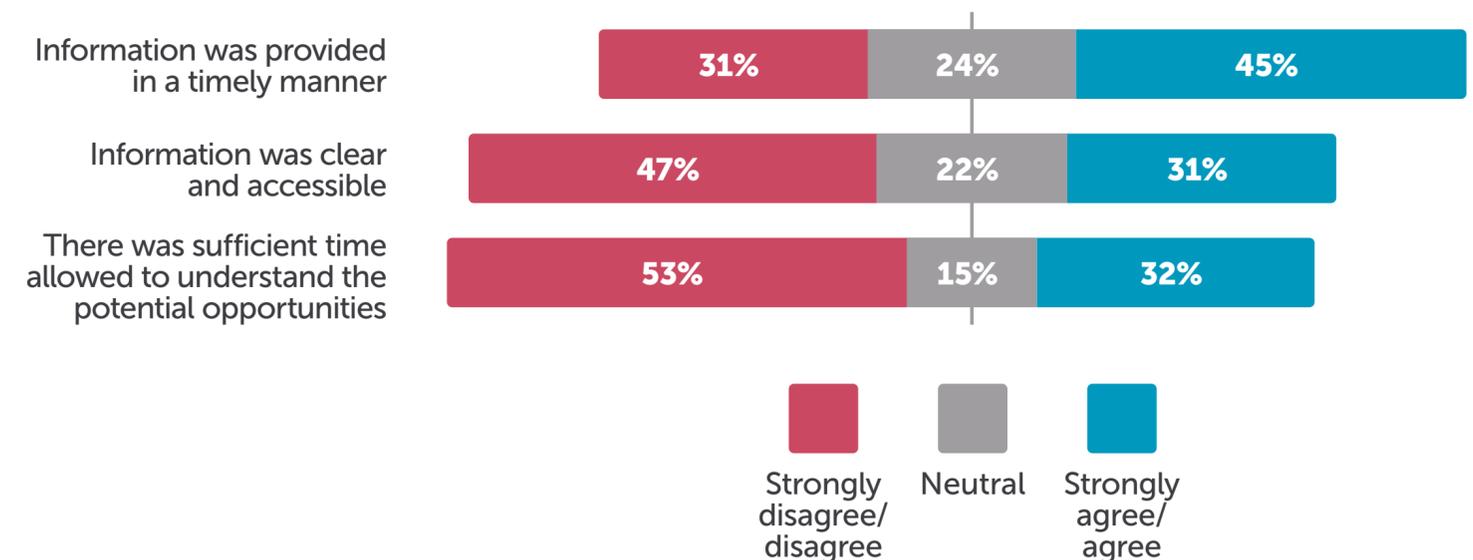
The information provided to organisations was not clear or accessible with 47% organisations reporting that this was the case. This is compared to 31% who thought the information was accessible. There were many reasons for this, including the use of what one organisation described as jargon and the volume of materials organisations were required to read and digest.

“The materials were reasonably clear but contained a lot of procurement jargon which was not helpful. The volume of materials to work through is also very challenging and it is difficult to find the resources in a small charity to work through all the information to be able to participate in the process.”

This was cited as being particularly problematic for smaller organisations who do not have teams dedicated to development or generating income in the same way that larger organisations might, but are still able to deliver

high quality services. One of the case studies – a larger organisation – outlined that they were still required to commission legal experts to support their engagement in this process despite their size and previous experience of delivering similar contracts. They noted that this process would not have been accessible for small and medium sized organisations.

Do you agree with the following statements regarding the market warming?



One in eight respondents strongly disagreed that there was sufficient time to understand potential opportunities and despite being more likely to agree that the information was provided in a timely manner, 31% organisations either disagreed or strongly disagreed that this was the case.



There was little consideration or variation of the process for different sized organisations with some respondents stressing that they felt the process took a single, uniform approach.

| *“A bit one size fits all but that is the norm for bidding portals it seems.”*

Some organisations told us of their concern that the market warming was of more benefit for the MoJ and those organisations who would be in a position to act as a lead provider, than it was for smaller organisations:

| *“The market testing was more about drawing information from the providers. Rather than positively informing the design and implementation of the Framework it seemed to reflect a lack of direction and understanding from the MoJ. They were almost fishing for ideas!”*



North Wales Women's Centre

About North Wales Women's Centre

North Wales Women's Centre (NWWC) is a small charity in North Wales that provides general services for women. Starting in 2001, NWWC set up a community-led service that provides a safe space for women to access practical and emotional support such as information, advocacy, mentoring and training. The organisation's aim is to work with women over a longer period of time, rather than short term, to address multiple and complex disadvantage.

Since 2008, the organisation has provided a criminal justice service involving case work for women in contact with the criminal justice system, assessing need, and working with them to address issues. Despite there being an opportunity to deliver these services as part of the Transforming Rehabilitation programme, NWWC chose not to be part of a supply chain or subsequently funded by the government for this work. This was due to a lack of focus on early intervention/prevention and the punitive focus of those contracts.



Early experiences of the probation reform programme

NWWC was aware of voluntary sector organisations having had negative experiences of the previous Transforming Rehabilitation contracts. This recognition, and not having directly experienced it themselves, in part, meant NWWC did not initially complete the selection questionnaire to qualify on the Dynamic Framework. There were other reasons why it made this decision including the impact of the pandemic and other competing priorities. At the same time as needing to register onto the Dynamic Framework, funding for core grants was made available for specialist women's organisations from the MoJ. NWWC is a small organisation and had to make a choice between applying for core grant funding and applying to qualify onto the Dynamic Framework.

During the initial stages, NWWC had no direct contact with probation or organisations in Wales bidding to deliver the probation reform programme. NWWC said that more collaborative discussions with other women's organisations in Wales would have helped it feel more confident to take part in the process. This illustrates the importance of dialogue and building relationships to promote knowledge exchange, build rapport and create trust. Alongside the complex commissioning process, the pandemic created a challenging and difficult environment to initiate relationships that underpin partnership working. The sharp decline in meetings in Wales, lack of in

person contact, and loss of local relationships or opportunities to build relationships created an isolating experience for NWWC. In person contact is particularly valued by NWWC who already feel geographically separated from South Wales where most of the decision-making processes are held.

It was felt that there was a missed opportunity by probation in Wales to convene organisations remotely to raise awareness about the probation reform programme and build relationships to support the development of contracts. Reduced resources, capacity and limited time frames made it near impossible for a small organisation, such as NWWC, to be involved.

"There was a lot of unknowns for us. Where in England, organisations that already had formal probation relationships they might have felt more confident to go into the new world. Where for us it really was a step into the dark."

NWWC was unclear about what the Dynamic Framework would involve and raised concerns about the potential repercussions of entering a different contract culture, including:

- Uncertainty about whether the contract requirements would be aligned with NWWC's values and ethics, for example, working with women short term rather than over a longer period



- The increase in administration through servicing the contract could potentially move frontline staff away from service delivery
- The relatively low number of women that need criminal justice services in North Wales does not fit into the high volume, low cost model presented by the Dynamic Framework
- Working with the MoJ could potentially damage the perception of the organisation's position by the women who they work with e.g. it could be perceived as a punitive and statutory service which alongside potentially having less time for front line services could have a detrimental effect on the relationships built with the women that use their services.

Current experiences of the probation reform programme

No organisations put in a bid for the day one women services in Wales. Subsequently, the MoJ approached a larger charity, Personal Services Society (PSS). During the later stages of the work on its bid, PSS contacted NWWC with what was initially an offer to rent its premises so PSS could work with the women there.

The pace of putting the bid together meant there was little opportunity to get to know each other's organisation or gain a feel for how they could work together. NWWC was not comfortable

being involved in a contract without this prior knowledge or experience, in case of jeopardising its credibility and reputation.

PSS won the contract and is now working with NWWC, specifically through co-location of their services. They have committed to working together and will continue to review how the relationship develops, weighing up the benefits and risks of being part of this service delivery, to assess whether there is potential for future working together. NWWC is also keen to review how the day one services are implemented and experienced and for these to be adjusted and ironed out before day two.

NWWC felt a major flaw of the Dynamic Framework so far, has been the lack of communication and information shared by the MoJ and HMPPS and the lead providers about their vision for probation services. NWWC felt that this needed to come first – before the MoJ started to work on the commissioning process. NWWC felt the MoJ tried to achieve too much in too short a space of time, which was made even more challenging by the pandemic.

Peer support from other women's organisations who are already going through this process has been essential for NWWC in addressing these concerns; they have helped illustrate how voluntary organisations can make the Dynamic Framework work for them, highlighting that "the



devil is in the detail." Conversations with peers have provided a useful space to learn from others' experience and knowledge, and in turn has built NWWC's confidence to potentially take part in the future.

"I got more information from the women's organisations in England than anyone in Wales, they were going through the actual qualification assessment and tendering and so on."

At this point it was felt too early to tell if there were any gaps in the women's services.

Thoughts about the future of probation reform

NWWC feels that there should have been a bespoke approach to the commissioning process in Wales and has felt very isolated throughout the commissioning process for the rehabilitation and resettlement services.

Overall, NWWC feels that the probation reform programme is creating a competitive market. Larger organisations have been more successful in winning the contracts and involvement of smaller organisations is based on using their brand, reach, and connections within the community.

Smaller organisations are giving a lot to these relationships, taking on risk, without the benefit of the funding. Future consideration about this is paramount to avoid repeating the experience of the Transforming Rehabilitation programme, where smaller organisations were squeezed out by larger providers to the detriment of the people that use their services.



Qualifying onto the Dynamic Framework



After the market warming process organisations could then decide whether they wanted to apply to qualify onto the Dynamic Framework. This was set up and developed specifically for the probation reform programme and is the mechanism through which rehabilitation and resettlement interventions are being procured.

In response to feedback from Clinks, the Reducing Reoffending Third Sector Advisory Group⁷ and the wider voluntary sector, and in the context of the impact of Covid-19 on the sector, the MoJ committed to running the qualification as a 'light touch' process.⁸

Interest in delivering services under the new arrangements translated into applications to qualify on the new Dynamic Framework – with more than two-thirds (70%) of the respondents who told us they were interested in delivering resettlement and rehabilitation services then applying to register. Organisations had the option to be included as a sub-contractor in the bid of a lead provider without registering on the Dynamic Framework independently – but only six respondents in our survey did this. However, despite this, it is important to note that a significant number of organisations who expressed an interest in delivering these services chose not to apply onto the Dynamic Framework.

We asked organisations whether the information in this process was clearly communicated, if information required was proportionate and if the process for qualification was clear and straightforward. Despite more organisations agreeing than disagreeing that the qualification process was clearly communicated (40% vs 36%) **one in four strongly disagreed that the process for qualification**

was clear and straightforward. Organisations found the process complex, cumbersome and bureaucratic, despite it seeking to be 'light touch' in nature. This could go some way to explaining why one third of organisations who expressed an interest in delivering resettlement and rehabilitation services decided not to apply to register onto the Dynamic Framework.

"It was essential to qualify, but a very laborious and overly bureaucratic process."

"It was an incredibly difficult application to do, even though MoJ/ HMPPS claimed that it was a 'light touch' procurement process. I have a commissioning background and still found it very difficult. It was incredibly time consuming."

Organisations who wanted to work across different geographic areas or deliver different contracts found the process repetitive as they had to register onto the Dynamic Framework multiple times.

In response to finding the process challenging and confusing, organisations sought advice and guidance from HMPPS. There were many ways they could do this, including emailing a designated mailbox and calling a helpline. **Unfortunately, organisations told us they found these processes frustrating and unhelpful as they were often unable to receive clarity on the questions they asked.**



"[I] spent ages completing the application because we span most areas for contracting but was still not sure if [we] were registered properly and could not get hold of anyone who could shed light on this or advise. The people who were on the end of the 'helpline' couldn't help and being signposted to 'chats' was less helpful. [I] gave up in the end."

"We also felt throughout the process certain aspects were unclear and we could not get clarification (despite submitting clarification questions) e.g. the volumes of service users provided were far smaller than the numbers we currently work with and we did not receive a reason for this or confirmation on what would happen to women we currently work with who would not be covered by the new contract."

The financial costs incurred by organisations were significant, with one organisation estimating it cost over £10,000 in staff time just to go through the process. This has particular implications for small, specialist organisations as they do not have dedicated resources for this, which often means staff with other responsibilities, including those responsible for service delivery, need to be brought in to help with the bid process. As the open-text responses from the survey show, this has far reaching consequences for organisations, and put staff already working in a challenging environment, due to the consequences of the pandemic, under pressure.

"The actual bid process was incredibly cumbersome and complex with lots of information being required in complex formats and duplications. The amount of time spent on qualifying and the bid process even up to the point of deciding not to apply as a prime was incredible and was all time of the CEO, impacting on the rest of the charity."

"For a charity of our size the process was hugely onerous – we had to assemble a team to drop their normal activities and focus on this bid for several weeks ... many staff worked late nights and weekends to get the bid complete."

The information required to register on the Dynamic Framework was not proportionate. Just under one in three respondents strongly disagreed with the statement that the information required was proportionate. For some, this lack of proportionality was felt by restrictive word counts that did not allow them to give the detail necessary about their proposed service.

"Asking for 250 words to outline your experience and delivery model is far too small a word [count] to make any reasonable assessment."

This was supported by some of the organisations we interviewed as they felt the short word count prevented organisations from being able to properly express what they do well and the value of their services, which they felt particularly disadvantaged smaller organisations.

Others outlined that the due diligence requirements were too onerous, particularly for small organisations.

"The operational element of the Framework was relatively straightforward. However the financial and IT due diligence was less clear. They required levels of diligence which clearly affected the ability of smaller VCS [(voluntary and community sector) organisations] to qualify not just in what was being asked [but] the time required to do this and the complexity of the requirements."



“Aspects of the requirements to qualify could be viewed as being disproportionate to smaller VCOs [(voluntary and community sector organisations)], relating to cyber security, IT, HR and H&S [(health and safety)]. There has been no capacity building in relation to supporting smaller frontline organisations through this process.”

“To apply for contracts worth over £100,000 we had to provide a commercial credit report. Because of the timing and limitations of accessing a true financial picture via our audited accounts the Credit Report showed us to be high risk and we were rejected. A very similar sized organisation with greater financial challenges than ours (we know them well) was accepted. Why?”

One organisation we interviewed told us that it failed to register onto the Dynamic Framework in time due to administrative errors from the MoJ which created delays and ultimately prevented them from bidding for contracts. Please see the following case study for more information.



Pact

About Pact

Pact is a national charity that provides support to people in prison, people with convictions, and their families through a range of services. These include prison visitors' centres, and prison and community-based relationship and parenting education programmes. Pact's wholly-owned subsidiary, Pact Futures CIC (hereafter simply Pact Futures), is more commercially focused and has a separate board of directors. As the CIC pursues contractual income, its directors tend to have more commercial skills. Pact Futures holds numerous contracts in probation services, and this included some under the previous Transforming Rehabilitation model.

Early experience of commissioning process

Pact's work involves "supporting anyone affected by imprisonment, and the wider criminal justice system," and accordingly, Pact and Pact Futures applied to qualify onto the Dynamic Framework in July 2020. Pact's work focusses on building positive relationships; using desistance theory; family support; and developing emotional wellbeing. In approaching the probation reform programme, there was an obvious motivation to stay



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in the “market,” because Pact felt that what was set out within the reform programme was central to its activity and expertise. Previously, under Transforming Rehabilitation, Pact Futures had delivered contracts worth around £1.2 million, and despite the well documented challenges with this, Transforming Rehabilitation had turned out to be “massively successful” for the organisation. It had developed numerous robust relationships with lead providers, and ultimately felt that services had worked well.

As many other organisations found, qualifying onto the Dynamic Framework was not entirely straight forward – the process involved writing numerous case studies. Whilst submitting the selection questionnaire with ample time (over three months prior to the expected launch of the competition) there were substantial delays in communications being sent out to providers.

The expectation had been that Pact would apply for qualification onto the Dynamic Framework in the summer/early autumn, receive a response from MoJ, and then resubmit its application if required. This plan was based on organisations having three chances to qualify onto the Dynamic Framework and resubmissions being commonplace. “Administrative errors” at the MoJ meant that Pact was not alerted to any issues with its initial application, and no further communication was received until October when the call-off contracts were launched despite Pact’s and other organisations’ requests for updates. It was not until many organisations chased regarding the status

of their applications that a blanket message came out from the Authority (the MoJ) advising that if you had not received a letter, your application had not been successful. No details were provided in relation to reasons why.

Unfortunately, these notification delays meant that Pact did not qualify onto some categories on the Dynamic Framework until right at the end of the extended timeframes for the bidding process for the personal wellbeing contracts, leading to Pact missing out on contracts. Consequently, some of the potential lead providers who wanted to partner with Pact had to make alternative arrangements.

Current experiences

Pact decided not to bid as a lead provider, but joined as a subcontractor with a number of lead providers, mainly for Family Services provision. Pact already had good relationships with the organisations it partnered with under Transforming Rehabilitation.

“We took the view that because of the contract complexity we were better going in as a subcontractor.”

Despite the negative experience of qualifying onto the Framework, Pact feels that it has actually been very successful: it is included in 12 successful



contracts in the personal wellbeing lot, and it subsequently became involved in four education, training and employment contracts. This latter arrangement came about because Pact had a good relationship with the successful lead provider, who won four contracts for which it had bid. This created the necessary scope and scale across the contract package areas to offer an opportunity for Pact to create a comprehensive service. Therefore, the lead provider was able to go back to the MoJ and say:

“We think this would really add value to our previous submission, are you happy to allow a contract variation? ... The quantity of work the lead won essentially made it cost effective for them to contract it out.”

This enabled Pact Futures to incorporate volunteer led services to provide additional wrap around support to people on probation.

Turning to the early experience of delivery, Pact felt that it is still a bit too early to say much about the roll-out experience. Whilst at the time of the interview, Pact had not received all of its contracts, it does have pre-bid agreements with all its lead suppliers, which run for the same terms as the formal contracts. As such, no major problems are expected, and everything seems deliverable. Overall, Pact is currently quite optimistic. Despite this, when it comes to contractual issues more broadly, Pact feels that some of the clauses from the MoJ are “very punitive and very short-sighted.”

Lead providers have disagreed with the MoJ but do not seem to be getting much traction thus far. In particular, there are concerns about the intellectual property clauses, to the extent that Pact is not able to deliver some planned services as a result. These problems arise not only from the clauses themselves, but also from the way they are seemingly being rigidly interpreted by the MoJ. For instance, Pact cannot use third party intellectual property (IP) as clauses require third party providers to pass over use of IP to the Authority and therefore third party providers will not agree to the terms. Whilst these clauses might be appropriate within large scale contracts where interventions and support might become the only intervention for a particular outcome, Pact feels that they are inappropriately applied in relation to delivery within these contracts. This is because there are multiple providers utilising a range of interventions to achieve the same outcome, thereby meaning there is no reliance on any one intervention.

One example of the issue with the IP clause would be where Pact has co-developed education and intervention programmes with academic partners, or where Pact is a sole licensed provider for an academic partner. Pact has a number of well-evaluated programmes that fall within these categories which it simply cannot deliver due to the effect of the MoJ clauses on IP. This is clearly an unintended consequence of these clauses, which have the effect of narrowing down and homogenising the range of models of service and interventions that can be delivered.



Thoughts about the future

As with other voluntary organisations interviewed as part of this project, Pact felt it was a little early to comment on the immediate future of the current reforms:

“It’s going to be a bit of a ‘suck it and see’ for a few months, or if anything like Transforming Rehabilitation it will be a year to two years before things settle down properly... but that’s standard for ‘early doors’ on a new contract: who does what, when and where.”

Looking at the broader landscape around the probation reform programme, Pact has been thinking carefully about the general “direction of travel.” This is helping the organisation to think through the appropriate strategy for the organisation. For example, Pact has been thinking carefully about where there are new markets and opportunities. Pact is also keen to work with the MoJ and other government departments on this more strategic work. But, because the contracts for rehabilitation and resettlement services involve considerable “bedding in” at the Police and Crime Commissioner (PCC) area level, Pact is equally as keen to build local relationships through its local service managers, to ensure effective partnerships and services.

Of the fifteen categories listed on the Dynamic Framework, personal wellbeing was the category which the highest number of survey respondents applied to register, followed closely by emotional wellbeing and education, training and employment. There were a few applications amongst respondents for work with young adults, work on restorative justice, organisations specialising in work with racially minoritised people, and work on cognitive and behavioural change.

Of the 70 respondents who applied to qualify on the Dynamic Framework, 48 were successful in their own right (69% of those that applied), and 19 indicated that they were unsuccessful. The 48 successful applicants amongst respondents qualified for a total of 199 lots, an average of 4.1 per successful applicant.

‘Success rates’ (amongst respondents, the number of successful applicants as a proportion of the number of applicants in total) vary across the fifteen categories of the Dynamic Framework, from 25% to 83%. Applicants for restorative justice, finance, benefits and debt, education, training and employment, service user involvement, women’s services, social inclusion and accommodation appear to have had a good chance of being successful. The chances of success are considerably lower for applications for work with young adults, black, Asian and minority ethnic groups⁹ and on cognitive and behavioural change.



Applicant success rate by service category

	Applicants	Successful applicants	Success rates %
Restorative justice	6	5	83
Finance, benefits and debt	19	14	74
Education, training and employment	34	25	74
Service user involvement	13	9	69
Women's services	26	18	69
Social inclusion	29	20	69
Accommodation	24	16	67
Lifestyle and associates	28	18	64
Emotional wellbeing	36	23	64
Personal wellbeing	40	24	60
Family and significant others	21	12	57
Dependency and recovery	14	7	50
Young adults (18-25 years old)	12	5	42
Black, Asian and minority ethnic (BAME)	5	2	40
Cognitive and behavioural change	4	1	25



Nacro

About Nacro

Nacro is a large national, social justice charity with over 50 years' experience of working in criminal justice. It describes its mission as delivering social justice by positively changing lives, strengthening communities, and preventing crime. Its work is divided into four services: justice, health, housing, and education. Nacro's justice services include resettlement interventions (accommodation; education, training and employment; finance, benefit and debt); delivery of in custody and through the gate (TTG) mentoring schemes; and community group work programmes that assist with reintegration and resettlement post-release from prison.

Early experience of the Dynamic Framework and the commissioning process

For Nacro, it was quite an easy decision to proceed with the probation reform programme because delivering probation services is its "bread and butter ... it's our core work, it's what we're known for." But despite its size and expertise, Nacro found the Dynamic Framework to be complex and off-putting:



© Courtesy of Nacro



“Even as a larger organisation, with an experienced business development team there were times we struggled to navigate the process.”

Nacro did feel that there were difficult decisions to make over which pathways to bid for, because the organisation had to carefully consider its viability and whether it felt it could deliver high quality services as a result. It felt the Dynamic Framework process was simply too ambitious, too complicated, and due to its complexity excluded medium-sized and smaller voluntary sector organisations.

Whilst Nacro has a bid team, it doesn't have a legal team and so had to “buy in” that expertise from external solicitors. Qualifying onto the Dynamic Framework involved multiple documents (there are 16 documents in the Framework Agreement) and navigating lots of jargon. This meant Nacro had to invest in the use of qualified solicitors to translate risks into layman's terms in order to conduct proper due diligence.

“There is a significant amount of work behind the scenes to even translate these documents such that [a layman] can say they understand it.”

As well as this, there was financial eligibility work Nacro needed to undertake: the need for credit ratings, as well as policies including cyber

security. This would have been insurmountable for many voluntary organisations, particularly smaller ones. Looking at the implications across the voluntary sector as a whole, Nacro also noted that the word count for certain questions at qualification stage was “tiny”: there were only 250 words available for organisations to describe what they do. This made it very difficult for specialist organisations to convey their expertise, which Nacro described as “the good stuff that we and others do.”

As Nacro is a large organisation looking to bid for several contracts across different lots in order to maintain its previous footprint delivering prison and probation services, it was faced with a significant amount of work, writing numerous bids in each lot/competition, all within a four-week window which would be prohibitive for many voluntary sector organisations who do not have dedicated bid resource.

Partnership working

Nacro had intended to lead the bid for the single London personal wellbeing contract, with three other voluntary sector partners. They all had different specialisms including providing mental health support and working with racially minoritised men in the criminal justice system. Nacro felt the organisations complemented each other well, and it was an exciting opportunity.



Despite the time taken to develop the partnership and the buy in from all the organisations, the lack of information provided by the MoJ prevented them from being able to bid for the contract in this way.

The two main issues included questions around the quality of information provided about TUPE (Transfer of Undertakings (Protection of Employment)), meaning that the scale of the transferring staff pool could not be determined alongside a lack of clarity about the total number of people expected to be referred to the service. There was also no indication of where in London those people might be referred from making it impossible to model where staff needed to be based across the 30+ boroughs. This was complicated because the personal wellbeing contract did not allow for co-location of staff, meaning separate offices would have to be set up but with no indication from the data as to where these would be required.

“It was just impossible, we couldn’t risk modelling this on one scenario and it being completely different in reality, so we decided to walk away. It was a real shame as we wanted to work together and believe we would have offered an excellent service. There were just too many unknowns.”

Current experiences

A summary of the contracts Nacro bid for, and where it was successful, is given below.

- Education, employment, and training services as a subcontractor with St Giles Trust, in the East of England, which was unsuccessful.
- Accommodation in the East Midlands, West Midlands, and East of England, and as a subcontractor to Shelter in Yorkshire. All of these bids, except in the East of England, were successful. Nacro was also awarded the North Wales contract, after it was re-tendered.
- Personal wellbeing contracts in nine regions mostly in the East of England and the Midlands. Three of these bids were successful, all three of which were in partnership with other organisations.

Nacro noted that feedback received from the MoJ stated that it was assessed as being strong on accommodation, which was unsurprising given its expertise, but Nacro was able to deduce from the feedback that in other regions it was unsuccessful based on price (i.e. more expensive than competitors). This is likely to be the case for other voluntary sector organisations as they will not have the same economies of scale as larger, often private sector, organisations. Whilst Nacro’s tenders may be perceived to be expensive, it felt that without the



required level of funding, and subsequent staff and resources, it would be understaffed and would under-deliver which it is not willing to do.

There were positives for Nacro about the experience of the voluntary sector's collaborative approach to the recent commissioning processes, saying it felt much better than the experience in Transforming Rehabilitation. In the more recent processes, the sector really came together to support one another to retain important contracts by not bidding in competition and more time was devoted to building partnerships and working together to develop formal partnerships for bidding together.

| *“Collectively we are stronger than we are on our own.”*

| *“The sector has really forged partnerships in a way it hasn't before.”*

Thoughts about the future

Nacro is optimistic about the delivery phase. Having made losses on services it has operated in the past, care was taken to make sure bids were not submitted for regions where there was a risk of running the services at a loss. Nacro feels it has carried out the appropriate modelling and shouldn't have to cross-subsidise the contracts if all goes to plan.

Looking forward, Nacro said there is a need for the voluntary sector to work with Regional Probation Directors to further develop the commissioned services and new day two services. It was also observed that it will take a little time to smooth out any new issues that might arise from delivering services under the new contracts.



Bidding for day one services



Once organisations had registered onto the Dynamic Framework they could then choose whether or not to bid for contracts for day one services. These are contracts to deliver core services that are needed from the first day of delivery of the new model which are: personal wellbeing, accommodation, women's services, and education, training and employment.

Organisations could bid as a lead provider for a particular contract or as a sub-contractor. Some organisations could bid as Key Sub-contractors. These are organisations that have not registered onto the Dynamic Framework but are still subcontracted to deliver services.

Only 17 respondents chose to bid for contracts as a lead provider. There were a variety of reasons for this with some saying contracts were too large which made them unviable.

| *"Contract levels were too large in scope – geographically and financially."*

| *"We don't have the capacity to be a lead provider on the scale required by the contracts put out for tender."*

| *"We are simply not big enough and were unable to partner as a subcontractor because larger providers felt they could already offer what we were providing."*

All competitions were initially proposed to be commissioned at Police and Crime Commissioner level, which Clinks warmly welcomed. However, the contract size for accommodation and employment, training and education services was increased to the regional level. This has presented challenges to ensuring that small, local and specialist organisations are appropriately involved, and larger geographical scale has further entrenched some of the competitive advantages enjoyed by large private organisations.

Other organisations told us that there was a mismatch of scale between local organisations and regional opportunities. This particularly disadvantaged smaller organisations who often have a smaller geographical footprint.

| *"ETE [Education, Training and Employment] was on a regional basis and we are a local charity. We were approached by a larger organisation to work in partnership but this did not follow through to the bid stage."*

| *"We are too small for regional provision – and when potential partners were approached they indicated that the funding was not sufficient to sub-contract."*

Some organisations failed to meet the required financial thresholds needed to bid for contracts. The disproportionate impact this had on small organisations was clear in the open text survey responses. Small organisations in particular outlined how they were unable to bid for contracts as lead providers due to their size and the restrictive nature of financial due diligence tests that were not suitable for them.



“The finances required to be a prime was way out of most charities’ limits, especially ours and were aimed at big organisations to be Primes not smaller organisations with under one million in the bank.”

“The financial viability tests applied by the MoJ were not particularly suitable for the VCS [voluntary and community sector], focusing on “profitability” as a key test. This meant that because we had used reserves during the previous 2 years and run a small deficit we were not assessed as financially viable. This was raised with the MoJ as an issue for a number of VCS organisations. They agreed to eventually approve us onto the Dynamic Framework but when the tender was published they seemed to be applying exactly the same test. This placed us at a significant risk of being excluded from the competition so for that reason we approached a larger charity to lead on a bid for our area.”

We were also told that for some organisations, delivering the contracts as a lead provider would prove too risky. Again, this was particularly true for smaller organisations.

“The process was skewed towards larger providers – the costings were too low for the deliverables and the risks of the TUPE lists were greater than the total sum of the contract on occasion. Had planned to bid alone for one and in partnership with an equal partner for another but we both decided not to place our organisations under the risk and the pressure.”

Of the organisations in the survey that bid for contracts as lead providers, the majority bid for the women’s lot (53% or 9 respondents). This could reflect the nature of the contract, which made it more accessible for smaller, community-based organisations. A track record of providing similar services to women was needed – something non-voluntary sector organisations are unlikely to have been able to demonstrate in the way they might have been able to do for other contract lots. Further, this was the last lot to be commissioned and MoJ had taken on board feedback from organisations, including Clinks, about the commissioning process for the other lots.

If you did bid for contracts, which call offs did you bid for?

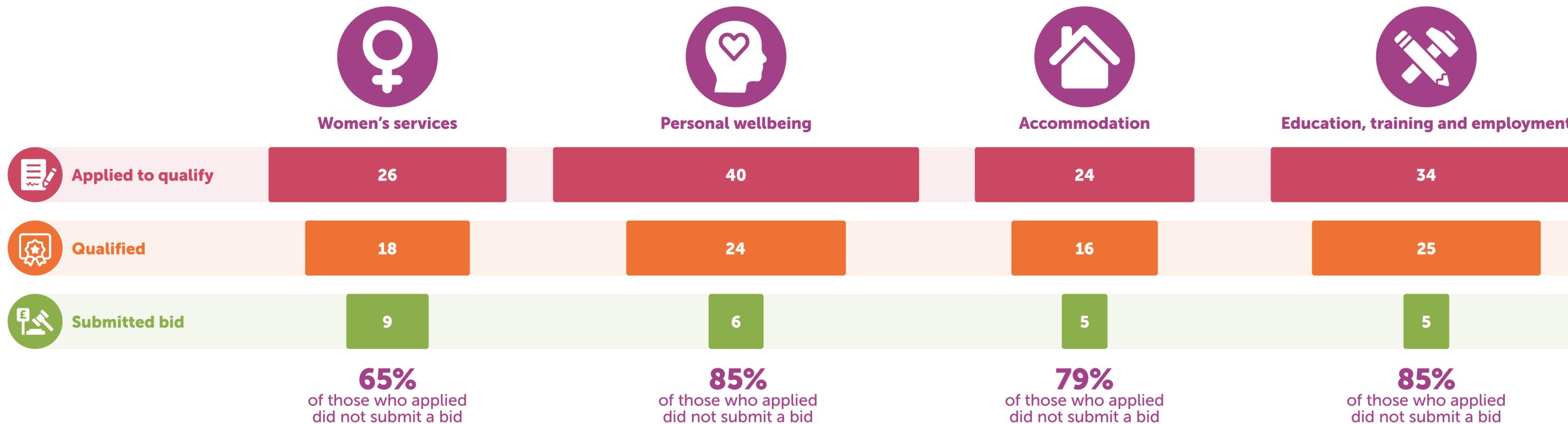
	Count	%
Women’s services	9	53%
Personal wellbeing	6	35%
Accommodation	5	29%
Education, training and employment	5	29%
Base	17	

This refers to contracts bid for as lead providers



Of the day one categories, the attrition rates among respondents are illustrated below:

Dynamic Framework applications and bids



Of the organisations that bid to be lead providers of contracts, six of them also bid for other contracts as a sub-contractor. A further 25 organisations were included as a sub-contractor for other lead providers. The majority of organisations bid to be a sub-contractor to deliver personal wellbeing contracts (63% or 19) whilst only 11% or three organisations bid to be subcontracted to deliver accommodation services. It is worth noting that the

personal wellbeing contract lot brings together a range of service categories, making it more likely that organisations would be required to partner with others to ensure they could deliver across these service categories.



Which category of contract were you included in as subcontractor?

	Count	%
Personal wellbeing	19	63%
Education, training and employment	9	31%
Women's services	9	30%
Accommodation	3	11%
Base	29	

We asked organisations about their experience of the bidding process, with the majority outlining that the information was not provided in a timely fashion, the process felt overly onerous and the information required was not proportionate. Unfortunately the response rate for this question was low, which partly reflects the fact that many organisations did not reach this stage in the process, meaning that some care is required in interpreting the results. However, the answers to the open text questions in the survey give us a detailed picture of some of the challenges organisations experienced. Two organisations in particular told us that the process was particularly onerous and time consuming:

“Where do I start?! The deadline changed which meant cancelled holidays and cancelled Christmas. The level of detail required was enormous. I had to employ a bid writer to work with me and she had never been involved in such an onerous process despite bidding for several MoJ contracts previously.”

“Our reflections are: 1. The quality questions asked for the wrong things and didn't enable providers to show what was different about their model and how they'd add value. 2. The pricing document was ridiculously complex and onerous without any real reason for this complexity. 3. The contractual architecture was amongst the most dense we have ever experienced. The practice of referring back to the Framework Agreement from the Call-Off Contract was extremely difficult to get a handle on and leads to a lot of margin for error.”

Other organisations also told us that the bidding requirements were the same regardless of the contract size, which was disproportionate for contracts being let for a lower value.

“It became very obvious that only those organisations who had the resources in-house or the ability to contract with professional bid writers would be able to cope with the demands of the ITT [Invitation to Tender] – not just the writing but understanding the commercial requirements and putting together the necessary IT/Data Assurance modelling. Any chance that local VCS [voluntary and community sector] would be competing in the process stopped at this point.”

“The amount of work for small value contracts (i.e. less than £100k) was the same as for larger contracts – they all had the same questions and required the same level of detail. 20,000+ words for a contract worth less than £100k a year is disproportionate and far too onerous.”



Our case study interviews also indicated that the bidding process for contracts was challenging and in some cases the approach from the MoJ and HMPPS was inconsistent.

Respondents seeking to work with lead providers were positive about the experience, with three quarters (76%) agreeing or strongly agreeing that there was an alignment of values between their organisation and the lead provider. The number of respondents for this question was low (29) but the open text responses give us richer detail about the views and experiences of the respondents.

| *“Our experience of working as a subcontractor was extremely positive.”*

| *“The lead agency partners we have identified to work with have a similar ethos to [us] and we wouldn't undertake such a process if not. Engaged well in an equal partnership relating to the bids submitted so far.”*

| *“We partnered with a larger charity due to our shared values and not-for-profit purpose. I made the approach to [them] and we developed the bid together. It was a mutually supportive process.”*

Despite the picture being positive overall, organisations stressed that this was not universal, particularly as different lead providers adopted different approaches to working with sub-contracted parties.

| *“We have had different experiences with different primes – initial discussions with one stalled when a significant element of the contract value was going to be diverted to their 'overheads' with disproportionate amount left for delivery. A different prime worked in almost total isolation and didn't use our expertise in the bid, despite offer of input.”*

Indeed, one larger organisation who completed the survey informed us of their view that “there is no need or right to automatically be an equal partner in a bidding process if you are a sub-contractor” and the bidding model will essentially dictate how to treat and work with sub-contractors.

Some organisations told us that the amount of money allocated for the delivery of their service was concerning, mainly due to tight budgets provided by the MoJ and funding being taken for overheads by lead providers. This caused particular challenges for one organisation as the distribution of the funds they had previously agreed to was altered and needed to be re-negotiated, leaving them feeling they were ‘held hostage’.

| *“The larger organisation has left us to do the frontline work, with less FTE [full time equivalents] than we currently use, and has taken the additional monies for corporate overheads. They also want our local knowledge and partnerships.”*

| *“[An equal partnership] has not been the reality since the bidding process and the costs on offer are significantly less now than the figures we submitted and were agreed during the bidding process. Negotiations continue but they blame the MoJ for the worsening figures and we are somewhat held hostage!”*



New Dawn New Day

About New Dawn New Day

New Dawn New Day (NDND) is a small specialist charity based in Leicester, which aims to ensure that all women and girls have the right to reach their potential, and to live their lives free from poverty and violence. The organisation works with women and girls affected by poverty, trauma and abuse. It provides a safe environment and high quality, gender-responsive, trauma-informed support. NDND receives funding from a range of sources including charitable trusts, police and probation services, and local government.

Early experiences

Prior to the probation reform programme, NDND was closely involved in MoJ-funded work, and so it was determined to remain a part of this. NDND attempted to qualify onto the Dynamic Framework but immediately found the process incredibly demanding: it was very complex, and it was not clear from the outset how the commissioning process for the women’s services contract lot would work.



Library image posed by models © Monkey Business Images / Shutterstock.com



Attempting to qualify onto the Dynamic Framework was complex: NDND was required to complete 16 case studies to demonstrate that it could deliver services across different resettlement needs. A financial questionnaire had to be completed, but this was found to be quite confusing and NDND had to seek assistance from its accountant. Whilst working through the qualification process for the Dynamic Framework, NDND quickly came to believe that it would not be able to qualify.

Following conversations with other organisations providing specialist support to women it became clear that NDND's experience was similar to that of organisations across the sector. Consequently, specialist women's organisations came together as a group to raise the issues with the MoJ. Whilst the MoJ believed that the financial assessment remained fit for purpose, it was agreed to "passport" some specialist organisations through to the tendering phase in late 2020.

Delivery of probation services felt like the organisation's core work and somewhat of an "anchor project," and so NDND was concerned about the potential implications of the loss of funding for these services. NDND felt it had too much to lose if it was not successful in securing the contract. NDND still felt it was in a very "precarious" position if it bid for contracts on its own. If it were to proceed as a lead provider, it felt that the "high level" requirements in terms of finances, IT security, and reporting were very daunting. Moreover, the organisation did not feel the funding available was sufficient to create adequate staff capacity to manage the contract effectively.

For these reasons, NDND decided to make contact with some of the larger providers who had already qualified onto the Dynamic Framework, and had a conversation with Changing Lives, which it knew was operating in the West Midlands, but which, at that time, didn't have much of a presence in Leicestershire. There were certainly some risks in this approach, as it required a relationship between the organisations to be developed very quickly: it had to be decided urgently, "Are they a good fit? Is this going to work?"

Current experiences

Despite the tight timetable for developing the partnership with Changing Lives, NDND found out that the bid had been successful in March 2021. Changing Lives is the lead provider, with the main contract for the whole of Leicestershire, and NDND is subcontracted for the community services delivery. Changing Lives' delivery includes the prison in-reach work, which NDND do not provide. The organisations are also able to co-locate staff which works well.

To date, NDND has been pleased with the developing relationship with Changing Lives. It is accepted that Changing Lives too are "finding their feet" and "learning as they go along" as it moves to mobilising the contract. There have inevitably been new challenges to address, but the communication between the partners has been positive, open,



and transparent. NDND feel that Changing Lives has the capacity and economies of scale to respond to these issues as the lead provider.

In terms of early delivery, things seem to be bedding down reasonably well. One of the key aims for the MoJ is to get people “processed” more quickly, and referred to services. NDND has been under some pressure to get the process underway. If the process is insufficient, “points may be lost,” which will have an implication on Changing Lives’ ability to meet its targets. NDND needs to work closely with probation staff to ensure women’s cases are dealt with appropriately and efficiently.

The nature of the lives of the women that NDND supports can often be chaotic and they may be experiencing challenging circumstances. This means that women might not always attend appointments, and NDND recognises the need to balance this with the contract requirements. NDND is also conscious that the unification of probation services means it will also be receiving referrals from women who are assessed as being a higher risk. This is not something that is a major concern, but it is something NDND is aware of as it may have to deal with risk levels that the organisation has not had previous experience of.

The volume of referrals has been higher than expected which is of particular concern as staff are already facing challenges because of the pandemic. NDND feels that the number of women needing support

is likely to be “higher than what MoJ set out,” and so these challenges may persist. The organisation worries there is a risk that it will be “processing” women rather than “working with them.” In addition, NDND is clear that it is not able to subsidise this contract if the number of women needing support remains high: “We can’t subsidise this.”

Thoughts about the future

Ultimately, NDND feels there was a missed opportunity by not commissioning at a more devolved, local level. It was felt that bringing a greater quantity of focused resources to address women’s offending would have galvanised minds and activity.

However, NDND is optimistic, particularly as it feels the reunification of probation services was the right thing to do. NDND believes it has the right people leading on this work at the local level, and things seem to be moving in the right direction in Leicestershire. For example, services are “talking to each other” better, and this is improving services for women experiencing complex disadvantage. NDND was also keen to stress that it has a really good regional women’s lead for the probation service who has been instrumental in driving forward a local multi-agency strategy for women in contact with the criminal justice system in Leicestershire together with the implementation of the new women’s services.



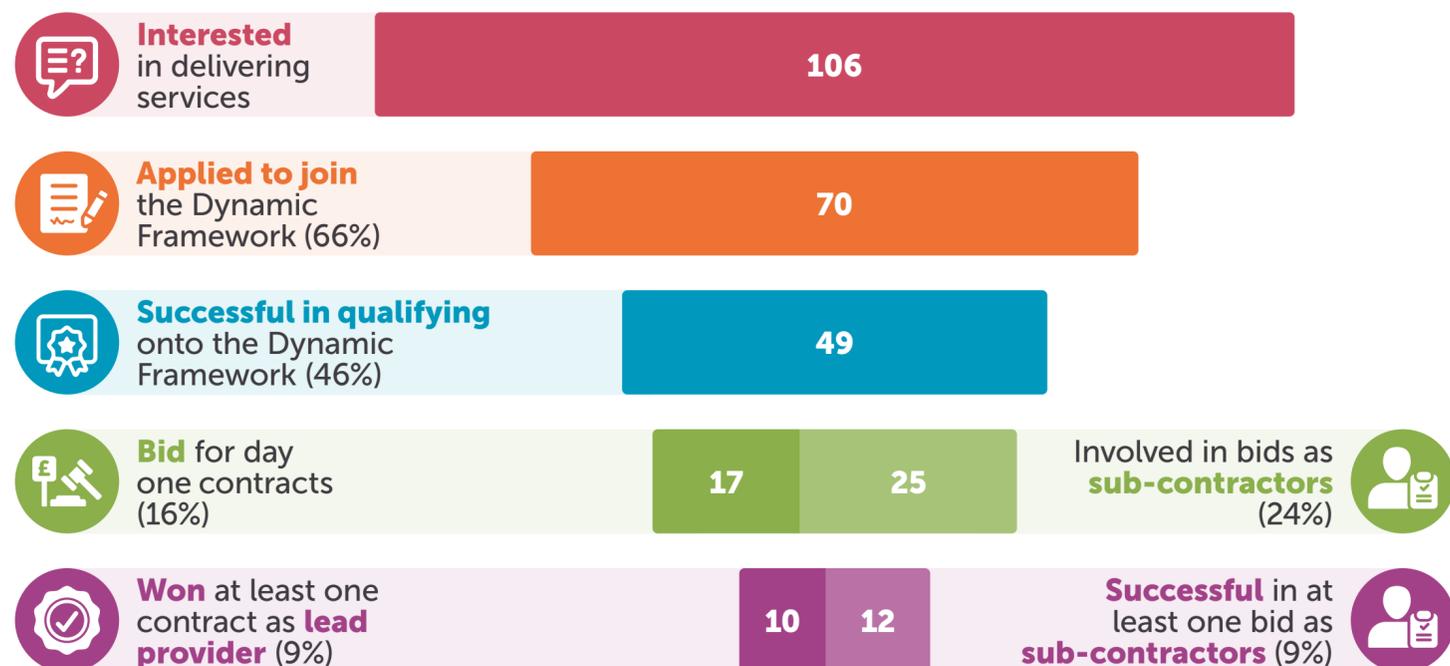
Outcome of bids to deliver contracts



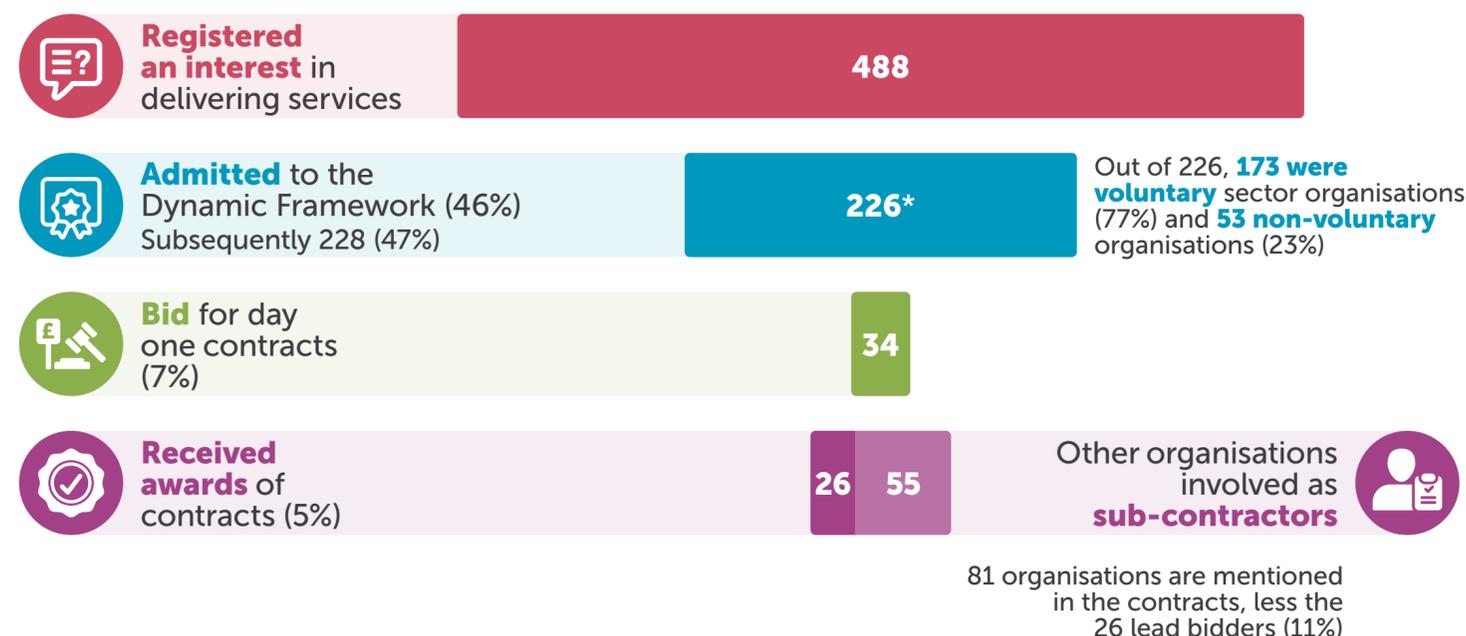
After exploring organisations' experiences of the bidding process for contracts, we wanted to determine their levels of success and their expectations for the delivery of the contracts. As with any research, we were unable to hear from all organisations that were successful in their bids, but we do have a snapshot of organisations delivering over a wide and diverse range of contracts.

Overall, the survey recorded detailed information of 71 separate contracts from 22 organisations. The number of contracts won by each organisation varied – some larger organisations won up to 16 contracts, whilst smaller providers won only one each.

If we look at the attrition rate among respondents for those who were interested in registering onto the Dynamic Framework and those that were successful in winning contracts we see:



We are conscious that the information from our survey details the experience of a specific group of organisations and we wanted to see how this relates to what we know overall from this commissioning process. Richard Oldfield's independent review into the Dynamic Framework has data from the commissioning process overall which helps us look at the overall attrition rate, as follows:¹⁰



Comparing the attrition rates of the organisations who responded to the survey to the attrition rates for all the suppliers that expressed interest in delivering probation services, we see that the proportions of organisations at each stage of the process are not too dissimilar. Looking at the number of organisations who expressed an interest and were then successful in qualifying onto the Dynamic Framework, 47% of all suppliers were successful, and 46% of survey respondents were successful. In terms of bids, a greater proportion of the interested survey respondents put in a bid for day one services (16%) than the proportion of total interested suppliers (7%).

This suggests the respondents to the survey broadly reflect the wider group of interested organisations involved in the qualification and bidding process but we were more likely to hear from organisations that either bid for services or were successful. It is also important to note that the survey was only aiming to capture the experiences of voluntary organisations and not private companies, meaning those companies will not be reflected in the findings of the survey but are included in the information provided in Oldfield's report.

There will be many reasons that explain the drop off or attrition rate with the commissioning process. For example, some organisations will have registered onto the Dynamic Framework with the intention of bidding for day two¹¹ or other services and will be represented in the attrition rate but would not have wanted to bid for day one services. However, given the challenges respondents outlined in the survey, it is fair to conclude that the way the commissioning process was designed and delivered had serious and negative implications for the involvement of voluntary organisations in the delivery of rehabilitation and resettlement

services. This is a disappointing finding given the government's commitment to establishing a process that promoted the involvement of these organisations.

Where organisations were not successful in obtaining a contract as either a lead provider or a sub-contractor (40% of respondents or 16 organisations) some knew of the very specific reasons why this was the case, whilst others were not clear or had little information stating they were "not party to the reasons" and "no info provided from primes why bids not successful." One organisation in particular said that due to lobbying efforts from national criminal justice organisations an originally negative decision was overturned.

"We did not initially qualify but, after national lobbying, organisations who didn't qualify due to turnover were admitted."

Despite winning a number of contracts one of the organisations we interviewed in more depth said there was an inconsistency across three of the contracts as to how technicality issues were scored (please see the Shelter case study for more information). Another organisation with significant experience delivering similar contracts to those that it bid for was unsuccessful due to how it answered one technical question, despite explaining their answer in full (please see the Pobl case study for more information).



Shelter

About Shelter

Shelter is a national campaigning charity focused on supporting people who are at risk of homelessness. The organisation was established in 1972 and since then has helped people struggling with bad housing and homelessness by providing advice, support and legal services. Shelter offers national as well as regional services which are delivered out of regional hubs across the country. Shelter has a long history of working in the criminal justice field and being involved in Transforming Rehabilitation contracts, mainly as subcontractors, since 2015. Shelter is classified as a major size organisation¹² and generates income from a mixture of grants and government funded services.

Early experiences of the probation reform programme

Shelter has had a mixed experience of the Dynamic Framework. Out of three tenders submitted, Shelter was successful in winning one contract in Yorkshire and Humberside. With prior experience of delivering Transforming Rehabilitation services, Shelter was keen to be involved in



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the new probation reform model, although this time as a lead contractor. The day one services commissioned through the Dynamic Framework included accommodation which is aligned with Shelter's expertise. Shelter also intends on taking a proactive role in influencing policy by gathering evidence from delivering services e.g. seeing first-hand how people access suitable housing, and using this to inform policy and practice. Shelter was keen to use the role of lead contractor as an opportunity to develop a closer relationship with the MoJ and, subsequently, influence government thinking on how people in contact with the criminal justice system can be better supported with their accommodation needs.

"We saw the more direct relationship with the MoJ as well as an opportunity 1) to deliver a more effective service but 2) we could potentially have more influence by being more directly commissioned by them rather than a lead contractor model. It is early days but the interaction with MoJ has been substantial ... and the ability to influence things."

Overall, Shelter's experience of the commissioning process was fairly positive. Shelter felt the information about the Dynamic Framework was accessible and clear which helped in the preparation for the bid. For example, Shelter understood what to expect from the contract specifications and scope for potential services. Prior experience of the

Transforming Rehabilitation contracts also helped manage expectations about what the commissioning process would entail. For example, the complexity of requirements to undertake large contracts such as planning and infrastructure (setting up IT systems, HR and finance).

Most importantly Shelter was aware of the amount of time and capacity involved, for example, to build relationships with partners and to navigate the selection questionnaire process successfully. It was, however, concerned that the process was "one size fits all" and that smaller organisations with fewer resources and capacity would be at a disadvantage, for example, finding the qualification process "overly corporate, robotic and difficult to navigate."

Shelter felt that there were a few shortcomings of the commissioning process. For example, the quality questions did not enable providers to show what was different about their model and how they could add value. The practice of referring back to the Framework Agreement from the Call-Off Contract was extremely difficult to get a handle on and leads to a lot of margin for error. In particular, Shelter received high scores across most aspects of the contracts e.g. quality of service and cost, but were found to be non-compliant in relation to a question about its workforce. Shelter received different scores across its bids, which was surprising given the questions would have required a very similar, if not identical response, which demonstrates there were inconsistencies with how the bids were scored.



Current experiences of the probation reform programme

Shelter is currently working in partnership with NACRO and St Giles to deliver a three-year contract (with the option to extend to five years) in Yorkshire and Humberside. Whilst Shelter led on the bid across the whole region, each partner delivers a patch of the area to retain its existing footprint. These existing working relationships meant it felt like a natural progression to continue working in partnership, and in the new programme the contractual agreement has helped improve how the partners work together. This contract does not have a supply chain but the partners plan to work closely with other local organisations.

Shelter did not take up the support offered around the contract e.g. capacity building due to being a large organisation and already having sufficient infrastructure in place. That said, it still did not meet all the contract requirements (e.g. Shelter had to implement cyber security arrangements in order to comply with the requirements of the contracts), highlighting the potential barriers for smaller organisations when bidding for such contracts. This may include not having appropriate financial or IT systems, inadequate cyber security measures, and staff resources and capacity. Shelter has also found that prison governors are not up-to-date with recent revisions to the new model resulting in differing expectations

of delivery. Providers are having to act as brokers about the changes to the model which arguably should be the responsibility of the MoJ.

Although there was an initial delay in setting up the service and huge pressure to get things running straight away, Shelter is confident a valuable service will be provided. There are some preliminary concerns about the new arrangements and how this will pan out. For example, under the new arrangement, Shelter can only work with people that have been referred through the probation service by a probation officer. Shelter is also unsure whether the service was modelled effectively by the MoJ, specifically in terms of how many people have an accommodation need across the regions. Shelter is concerned these figures underestimate the need for accommodation support. The contract is built on a banding system, meaning if the volume of demand increases, there is a mechanism to increase funding. However, this could create potential problems if there is a rapid increase and staff adjustments are needed to meet this demand.

Thoughts about the future of probation reform

The MoJ has been explicit about the voluntary sector being an integral part of the probation reform programme, however, Shelter felt it was too early to see whether this has played out in practice. At this point, only day one



services have been commissioned which means larger organisations have mainly been bidding for regional level contracts. It is unclear what impact this might have on smaller voluntary organisations.

Shelter reported a lack of finance and debt advice (which typically goes hand in hand with accommodation and housing issues) being provided due to these areas of work not yet being commissioned by the Dynamic Framework. Shelter is also waiting to see how splitting services for men and women will work in practice. Funding to date of women's services has been more at a PCC level, involving smaller organisations.

Looking to the future, Shelter is interested in expanding its criminal justice services but will wait and see how the current contract pans out and whether they have enough capacity or resources to commit to developing further contracts.



Pobl

About Pobl

Pobl Group is the largest provider of housing related support across Wales. Pobl was created in 2016 when two long standing organisations within the housing sector merged. Pobl means people in Welsh and illustrates the person-centred approach the organisation adopts to its service delivery. It currently delivers a range of services including: supported housing (including temporary and long-term accommodation); providing support in care homes (e.g. residential care, dementia care); criminal justice services; and has committed to building 10,000 affordable homes by 2030.

Pobl has extensive experience providing criminal justice services such as Prison Link which is a Welsh Government funded programme focused on prevention. This involves a staff member working directly in three prisons (Swansea, Cardiff and Park) with individuals that want to keep their tenancy for when they are released from prison, e.g. by communicating with their landlord they have not abandoned the property. If this is not possible, Pobl supports individuals to end tenancies and prevent any rent arrears and charges from happening.

Since 1997, Pobl has provided accommodation advice and support for people on probation, by working alongside offender managers. When commissioned by the Transforming Rehabilitation programme, this became a substantial



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contract for Pobl as one of the delivery partners across Wales. Overall, Pobl had a positive experience of the Transforming Rehabilitation commissioning process until the lead contractor working with them went into administration, but Pobl managed to keep the staff and continue delivering the service.

Early experiences of the probation reform programme

Pobl has had a fairly exhausting and disappointing experience of the Dynamic Framework. Pobl was keen to be part of the new reforms due to its extensive experience and positive track record of delivering criminal justice services for the MoJ and Welsh Government. In particular, Pobl was enthusiastic to apply for the lead role to deliver the contract for accommodation support across Wales. The team felt well placed to deliver this contract due to it being aligned with the organisation's core service model and mission, prior experience of delivering a Transforming Rehabilitation contract, and already having established local connections and delivering services in all 22 local authorities across Wales.

Unfortunately, Pobl was excluded at the qualification stage, due to the risk register not looking in the organisation's favour due to its recent merger. By having to provide historical financial accounts Pobl felt at a disadvantage due to its finances not yet settling since the merger and, therefore, were unable to provide the project figures required. Since then, Pobl claims to have outperformed its financial forecast and is currently in a healthy position.

"We were really well positioned because of having a wealth of experience, we've got fantastic staff in each local authority, which coming into Wales isn't the easiest thing in the world. And I know from the recent experience, that an English provider, or I guess even Scottish provider could come in if they wanted to, but learning the local geography, and the intricacies of Wales – because it's not only a little country – it's really complicated."

No applications were submitted for the national contract for accommodation, and in turn, the contracts were re-commissioned at a PCC level. Pobl was successful getting through the qualification selection process for the accommodation lot and tendered to be lead contractor for three areas in Wales (South Wales, Gwent and Dyfed-Powys).

Pobl was excited about developing these contracts, building on 22 years of expertise and experience in these areas; established relationships with prisons and local connections due to its Prison Link services; and recognition that the services could be successfully implemented on day one. A substantial amount of time, resources and capacity was put into developing these contracts within an extremely tight time frame, and Pobl said it felt a succinct service provision and cost effective model was developed.

"It was a particularly difficult commissioning process, I've done hundreds of them, I've never had one quite as difficult as this, the recent one ... that was very taxing."



Unfortunately, Pobl was unsuccessful with all three contracts due to a technicality question e.g. answering 'no' to a 'yes/ no' question about honouring a Local Government Pension (LGP) Scheme but rationalised this in their mitigation response that they could offer a quality pension and didn't think anyone would be impacted by the LGP scheme.

"...and then they didn't score anything, because we said 'no' to the pension question. And there's a little bit of a kick in the teeth when you know, you put all the effort in...We felt a little bit disappointed that there was a 'yes, no' question with mitigation. And we thought that mitigation was fair and appropriate."

Overall, Pobl's experience illustrates the commissioning process as being complex, onerous and extremely rigid with little transparency about how decisions are made.

Current experiences of the probation reform programme

As a result of losing the MoJ contract, the associated staff were TUPE'd over to the successful contractors (Future Trust and Kaleidoscope). This was described as a smooth transition and meant some well experienced staff and managers, with strong local connections and relationships, have been able to continue

delivering services on day one. That said, other experienced staff members have left during the process and the lead contractors are currently undertaking a round of recruitment. Overall, this has meant a substantial reduction in income for Pobl and its staff team, as well as having a knock-on effect on team morale.

Whilst frustrated that it was not successful, Pobl is keen to form positive working relations with the new lead contractors. Pobl is also currently in collaboration with the lead contractor who won the women's services contract in Wales to share their expertise and knowledge.

"We normally do really well in recommissioning because we can do the value for money thing because we're a big organisation we don't do cheap but we do decent value for money. Yeah. And we know we can, we got proven track record of doing things across the country. It was hard to take as that suddenly meant we lost a great service manager and some fantastic staff."

Thoughts about the future of probation reform

In future, Pobl would like qualification questions such as the LGP scheme to be earlier in the process, to make sure they don't put as much time and resources in, only to be excluded for a simple 'yes/no' question. Pobl is still hopeful to be part of any future commissioning process.



Our research found an even balance of respondents across the 71 listed contracts in the survey between lead providers and sub-contractors. The vast majority are for personal wellbeing (45%) and women's services (44%), with far fewer listed for accommodation and education, training and employment.

Contract type: Are you a lead provider or a sub-contractor?

Category	Lead provider	Sub-contractor	Total	%
Accommodation	1	2	3	4.2
Education, training and employment	1	4	5	7.0
Personal wellbeing	14	18	32	45.1
Women's services	18	13	31	43.7
Total	34	37	71	100.0
%	47.9	52.1	100.0	

Two thirds of organisations perceived the listed contracts as being for new services. This is particularly true for accommodation services, as all of the contracts were for a new service, and this is also true for all bar one of the personal wellbeing contracts. Overall, only one third of listed contracts are perceived involve a continuation of previous services, which is mainly the case for education, training and employment (80%) and women's services (58%).

Given that the majority of respondents see the specifications for services as significantly different to the previous services they delivered – enough to describe them as 'new' – this leads us to have further questions about what previous services people on probation were receiving, and how these changes will be felt.

Are the contracts for a new service or continuation of previous service?

Category	New service	Continuation of previous service	Total	%
Accommodation	3	0	3	100.0
Education, training and employment	1	4	5	20.0
Personal wellbeing	31	1	32	96.9
Women's services	13	18	31	41.9
Total	48	23	71	67.6
%	67.6	32.4	100.0	

Overall, respondents feel that the contract values are sufficient to deliver an effective service – 70% believe so, while 23% don't believe so and 8% are unsure. However, when we look at the results in detail, we see that for accommodation contracts, all of the providers said that the contract value is not sufficient to deliver an effective service and for just over a third of listed contracts for women's services this was thought to be the case.



One organisation sub-contracted to deliver accommodation services stated that “we could not lead because we do not think the figures add up given the risks. As a sub-contractor we will not be undertaking that risk.”

Do you think the contract values are sufficient to deliver an effective service?

Category	Yes	No	Not sure	Total	% 'no'
Accommodation	0	3	0	3	100.0
Education, training and employment	5	0	0	5	0.0
Personal wellbeing	27	3	2	32	9.4
Women's services	14	9	3	26	34.6
Total	46	15	5	66	22.7
%	69.7	22.7	7.6	100.0	

Organisations had different expectations on whether they would have to subsidise the delivery of underfunded day-one contracts. Most organisations did not expect to have to subsidise contracts (80%). Two respondents providing personal wellbeing contracts said the following:

“There [will be] no shortfall as we have limited the volumes we will work with to meet the available budgets.”

“Hopefully zero, much will depend on how accurate the indicative volumes are.”

However a worryingly large minority did expect to have to subsidise contracts (12%). Within this minority, **organisations providing specialist support to women were most pessimistic about the need to subsidise contracts – over a quarter of contracts for women’s services were expected to be subsidised through other sources of funding.**

Interestingly, not all respondents expected to subsidise underfunded contracts through alternative funding sources. For example, all accommodation contracts were said to be insufficiently funded but respondents delivering on these contracts said they did not expect to subsidise the shortfall. However, respondents think that over a third of women’s services contracts are insufficiently funded, but respondents delivering these contracts do expect to subsidise them with alternative funding sources.

It is unclear as to why we see this difference. It could relate to the holistic support women’s organisations provide to their clients and their inability to provide a pared down service. Through Clinks’ work engaging with the probation reform programme we know that organisations who provide specialist services and support to women have outlined their concern that the contracts will not cover everything that women’s centres deliver, despite a perception from the commissioning authority that they will.

It could also be that providers of accommodation contracts are typically larger organisations and may have other ways of cutting back or compromising within the service itself or elsewhere across the organisation, to make underfunded contracts viable and to maintain the delivery of an effective service.



Some organisations contracted to deliver women’s services which felt they would need to subsidise their contract gave an indication of the extent of expected subsidy. Over the contract term as a whole, figures ranging between £50,000 and £350,000 were cited, and others indicated a proportion of between 15-20% of the total contract value. Another indicated that “delivery costs are covered but funding for overheads is very limited and may not fully cover our indirect costs.”

One provider of accommodation contracts and contracts for women’s services, identified a clear trade off in terms of effective delivery and the need for subsidy: “This depends but we would estimate that the service probably needs to be 20-30% more intense in terms of delivery time.”

Do you expect to have to subsidise delivery of this contract with other funding sources?

Category	Yes	No	Not sure	Total	% 'yes'
Accommodation	0	3	0	3	0.0
Education, training and employment	0	5	0	5	0.0
Personal wellbeing	1	28	2	31	3.2
Women's services	7	16	3	26	26.9
Total	8	52	5	65	12.3
Percent	12.3	80.0	7.7	100.0	



The impact of the probation reform programme so far



The probation reform programme has introduced new structures locally, such as through the introduction of Regional Probation Directors, and in some areas new organisations are providing different rehabilitation and resettlement services. This will inevitably have had an impact on voluntary organisations' relationships with probation providers and each other and we wanted to find out more about this.

Despite many organisations outlining that it is too early to fully understand the impact of the changes in relation to local partnerships with statutory agencies and with the wider voluntary sector, we did find some of these impacts are already being felt.

The impact on local relationships

With regards to partnerships with statutory agencies, slightly more respondents indicated that the impact would be positive or very positive (27%), compared to those who said it would have a negative or very negative impact (19%).¹³

This contrasts sharply with the responses for relationships with the wider voluntary sector: here, more respondents said it would have a negative or very negative impact on their relationships (25%) than those who said it would have a positive impact (18%). Moreover, no one said that the reforms would have a very positive impact on their local relationships with the wider voluntary sector.

Whilst it is promising to see that the reforms are likely to improve partnerships between the voluntary sector and statutory agencies, it is worrying that more respondents thought the reforms would negatively impact their relationships with other voluntary organisations. **The concerns expressed focussed on what the probation reforms meant for smaller, local organisations and therefore the wider eco-system of the voluntary sector working in criminal justice.**

Some were anxious that a lack of funding for smaller organisations would see them disappear and their services lost. Others raised concerns that smaller organisations could become more isolated and out of the loop with criminal justice developments. They suggested this might be a particular problem for organisations providing community-based support and support for people with protected characteristics.¹⁴

Whilst many organisations were worried about relationships with the wider voluntary sector, some were more optimistic. For instance, it was suggested that the reforms may offer an opportunity for smaller organisations to come together. Another respondent saw the reform programme as an opportunity to “re-engage and wave a flag for the work the voluntary sector is doing to widen the net/fill holes in services.” There was also hope that the partnership activities of the Probation Service would help to strengthen the voluntary sector in areas where it is underdeveloped.

The more negative views on relationships with the wider voluntary sector contrasted with a slightly more optimistic tone about partnership with statutory agencies. Whilst, again, many thought it was too early to know what impact the reform programme would have on these partnerships, some had a more positive outlook:



“Hopefully we will be around the same table to discuss the issues and look at good working partnerships.”

“The co-commissioning approach provides opportunities for services to be delivered in partnership and for local priorities to be reflected in local co-commissioning arrangements.”¹⁵

“The starting point is so low it can only get better surely.”

The reunification of CRCs and the NPS was also seen as a positive step for building relationships with statutory agencies by several respondents:

“I think having probation as one service again will make it easier for partnerships to be more joined up, they sometimes feel disjointed.”

“In theory, local partnerships should improve with having all probation officers working together, rather than being separated as before.”

“Amalgamation of probation teams (back to what they were) has got to be a good thing. When they were split they lost too many experienced and proactive staff. We have had very much reduced communication with senior managers at both teams since they were split and I am pleased for them that they are returning to a model which should improve third sector lines of communication and support their own structures/programmes. I do worry at the size of their patch, as this will not encourage local knowledge.”

Despite the more positive outlook, there were still worries, particularly about the risk the Probation Service becomes inward looking as it works to bed in and implement the new reform programme:

“[...]The National Probation Service will spend at least the next 18 months looking inwardly to make the new arrangements work and will rely solely on its commissioned partners to evidence partnership working.”

“It’s probably too early to say but it has to be better than it was. The risk is that Probation will turn inwards and introspectively focus on reunifying itself rather than looking outwards to opportunities for partnership and collaboration.”

Others were more pessimistic:

“We want to remain optimistic about new reforms but our confidence is low. We have no existing relationships with strategic leads anymore and haven’t for some years.”

Concerns were also raised that innovation and creativity might not be prioritised by the reunified Probation Service, with the voluntary sector tending to be more flexible and “braver with offender support that they have the capacity for.”

Respondents’ concerns about the ‘inward looking’ nature of probation during the bedding in of the reform programme and the mobilisation of contracts could explain why they were more likely to report a negative relationship with the new RPDs compared to their relationships with CRCs and the NPS.



The majority of respondents (53%) reported that they had a positive or very positive relationship with CRCs and the NPS, compared to only 7% who said it was negative or very negative. In contrast, only 15% of organisations said they had a positive or very positive relationship and engagement with their RPD, compared to 7% who said it was negative or very negative.

We are conscious that our TrackTR research demonstrated a different and more concerning picture of the relationship between voluntary organisations and CRCs and the NPS. It is worth noting that these results are retrospective and are also viewed in comparison to relationships with RPDs. Further, there has been time for these relationships to develop since our TrackTR research and comparatively very little time for RPDs to build relationships with the voluntary sector.

This does raise some concerns about the extent to which the new Probation Service is prioritising engagement with the voluntary sector. It is positive to see that the regional reducing reoffending plans that RPDs have published do mention engagement with the voluntary sector.¹⁶ These commitments vary across the different plans with many lacking detail and tangible next steps in relation to future commissioning. To develop positive relationships with the sector and to build confidence amongst organisations, more needs to be done to develop and communicate clear engagement structures.



Recycling Lives

About Recycling Lives

Recycling Lives was set up as a homeless charity in 2006 to provide support to men experiencing homelessness, through stable accommodation and opportunities for training and employment. It has a long history of delivering rehabilitation and resettlement services such as offering wrap-around support for men and women released on temporary license.

In Recycling Lives' own words: "It's [about] creating work ethic and self-esteem for those men and women, that we now have a whole wrap-around team. They work with those men and women on making sure that when they come out, they're getting collected, going to the right appointments, they've got jobs to go to and got the right accommodation."

Recycling Lives has been running workshops in prisons since 2013 with the aim to get people work ready for when they are released. At any one time they can have approximately 200 prisoners engaged in the workshops, working on recycling or fabrication contracts.

Recycling Lives also supports community groups by redistributing surplus food to ensure it can feed vulnerable groups, as part of



© Courtesy of Recycling Lives



the national FareShare food redistribution network. It is a medium-sized charity and social enterprise, and its main source of income is typically generated through the work it does with recycling products. During the pandemic, however, the workshops were put on hold due to lockdowns within prisons, creating a substantial decline in funding. Recycling Lives has used this as an opportunity to diversify its funding strategy, seeking financial support through grants from foundations.

Early experiences of the probation reform programme

Overall, Recycling Lives has had a negative experience of the Dynamic Framework. The amount of information applicants needed to review/understand was onerous and used inaccessible language, its team reported. Recycling Lives was immediately put off from registering for the selection qualification by the complex form-filling process.

“The form [selection questionnaire] is almost designed to rule out organisations with aspirations of getting into that area.”

Recycling Lives highlighted multiple barriers that prevent medium-sized organisations from becoming a lead contractor. For example, not meeting the financial requirements, or not having the relevant

infrastructure and capacity to compete for such large tenders. It was too big a jump for Recycling Lives to take on this position.

“We did have a look at it but it’s impossible, there’s just absolutely no chance on earth that we would have ever got it.”

Recycling Lives felt further excluded by not being part of the supply chain for the probation reform services. Several lead contractors began initial conversations with Recycling Lives, however, this felt like a tick box exercise and that Recycling Lives was being used as ‘bid bait’ to make the tender more appealing, such as Recycling Lives’ established connections and reach to people who use their services.

Little attention was given by larger organisations to develop meaningful relationships which, in turn, created concern about the potential damage these contractual relationships might have on the organisation’s reputation and trust built with people they support. Overall, there appeared to be little benefit for Recycling Lives to be part of this commissioning process.

“We get asked can we put your name on our tenders and subcontract list and subcontract that. We’re promised the earth and then when they get the contracts never hear from them again.”



Overall, Recycling Lives felt frustrated that the commissioning process continues to favour larger organisations with the infrastructure and capacity to deliver large contracts. This pushes smaller organisations out of the commissioning process despite them being equipped to be creative and innovative when designing and delivering service provision for the benefit of those using services.

“It was just designed to leave whoever was already in the game in the game, and keep everybody else out.”

Current experiences of the probation reform programme

Recycling Lives has observed a lack of partnership working to deliver the new probation reform services in their geographical area due to lead contractors concentrating on setting up services and focused on meeting contract requirements. Lead contractors were under pressure to have services up and running on day one (26 June 2021) which for some meant hiring new staff to deliver the contracts. Recycling Lives noted that building expertise, knowledge and trusted relationships with various service providers takes time, so even though staff may be recruited, may be recruited, this won't be established by day one – and in some cases the recruitment process may not be completed by day one. For example, Recycling Lives has found that some private landlords can be resistant to accommodate people with convictions and this transaction is often based on building trusting relationships which cannot be done overnight.

“So there's nothing wrong with people recruiting, [but] you can't jump into day one with no relationships, you can't walk into a prison or probation.”

This has meant delays for service users due to relationships and processes not being in place. That said, Recycling Lives felt it was too soon to comment on the portfolio of services being delivered for the new probation service.

Thoughts about the future of probation reform

After a period of limited resources and reduced services due to the pandemic, Recycling Lives is now growing its offer. The intention is to not only reopen existing prison workshops but to extend reach by opening additional workshops in prisons across the Midlands and further projects in Greater Manchester. Recycling Lives is keen to generate more partnership working with other like-minded people that work across sectors and fields.

Recycling Lives predicts the coming year will bring further challenges due to the Brexit transition period's impact on labour and supply chains, and shrinking funding sources. Therefore, the team are strategically thinking about building their funding portfolio with earned income from the recycling projects and continuing to apply for grants and foundations funding. This initial experience has deterred Recycling Lives from wanting to take part in any further commissioning processes.



The impact of the reforms on voluntary organisations

Many respondents acknowledged that the reform process is still in its early stages, and this was reflected in responses about whether the reforms will have a positive or negative impact on organisations.

Only 30% said the reforms will have a positive or very positive impact, with one in four (24%) saying that they will have a negative or very negative impact. Just over two fifths (43%) said they were neutral about the impact of the reforms.

Looking more closely at the responses to this question, we see smaller organisations were less optimistic than larger organisations about the impacts of the reforms: the same proportion of smaller organisations said the reforms would be positive or very positive, and negative or very negative (both 27%). This contrasts with responses from larger organisations where 38% thought the reforms would have a positive or very positive impact, compared to 21% who thought the impact would be negative or very negative.¹⁷ Whilst some care is needed here because fewer respondents answered the question about their size and about the impact of the reforms (74 smaller organisations and 29 larger organisations), this more pessimistic view about the impact of the reforms correlates with some of the more detailed responses below.

The open-text responses that organisations shared here were very mixed. Some were optimistic, particularly around the reunification of CRCs and the NPS into a single service: “it will be much easier to work with ONE probation service as opposed to the NPS and CRC.” Some were also

pleased to now have the opportunity to deliver services to everyone on probation, rather than just those who were supervised by the CRCs.

Other respondents were more cautious, and noted the importance of the relationships that need to be developed between the voluntary sector and the Probation Service, saying the impact will be:

“Very positive if we can work with them. We hope that we will be able to continue to develop the work as planned with the support of the new organisations [lead providers]. We believe in collaboration and building strong support networks however these are yet to be established.”

Also focussing on relationships, another highlighted that they “think that better relationships with probation will help [them] to influence the systemic change required.” These responses again emphasise the importance of RPDs, and others in the Probation Service, working to engage and build relationships with voluntary sector organisations in their local areas.

Many organisations expressed uncertainty about the impact of the reforms, reflecting the number of neutral responses to this question, saying the impact “has yet to be seen”; “it is really unclear at the moment as to what impact it will have”; or that “the jury is out and we are very concerned as to how these contracts will be managed.”

Some organisations expressed concerns about the impact of the changes on smaller organisations. A significant proportion of organisations said the reforms would impact them negatively:



“We’re fearful again that we’ll not get anything meaningful out of the new [Dynamic] Framework after investing considerable resource on the assurances that it will be a fair system for small specialist organisations too.”

Other concerns were raised about challenges around competition with successful bidders. One respondent reported a large organisation winning a contract in their area, but that they needed to support them to mobilise the contract as the large organisations had no existing presence. They said “the threat is that their learning could render us irrelevant in the future.” Another organisation raised similar concerns:

“The organisation which won for our area did not have local connection or previous work with women. They do not have infrastructure or partnership working and used our organisation as bid candy without permission...”

When asked about what they would change about the probation reform process as a whole, many felt it was very early in the process to know. Whilst there was some optimism over the reunification of probation, the implementation of changes is going to be important in determining their success:

“Difficult to say [what should be changed] as it is early days but returning to NPS should be viewed as a good thing if they can demonstrate their commitment to the small and community based [voluntary sector], and not produce an ITT that lends itself to the larger organisations who may be attracted to the opportunity to tender based solely on financial envelope and larger geographical reach.”

There were also concerns about the constant changes that were made to probation, and the need to allow a system time to bed in, to understand its impact. There were also calls for the system to enable the strengths of the voluntary sector to be utilised, with a need for a “greater understanding, recognition and involvement of voluntary sector organisations – [they] should be equal partners in the process of designing and delivering services.”

Involvement in future commissioning and what needs to be improved

It was positive to see just under half of organisations (49%) indicating they were likely or very likely to bid for future services through the Dynamic Framework. However, nearly two in five (38%) said they were unlikely or very unlikely to bid for future services.

Despite the challenges with the commissioning process outlined in the report, nearly half of organisations who took part in the survey would still bid for future services. However, the proportion of organisations that indicated they were unlikely to bid for future services is significant and suggests that unless considerable changes are made to the Dynamic Framework, the ability to utilise the skills and expertise of much of the voluntary sector in the delivery of probation services will be lost. Given the research findings, this is likely to be related to the services delivered by small, specialist organisations. Moreover, if other commissioning processes are going to use similar approaches to the Dynamic Framework, there is a risk that a significant number of voluntary organisations will be unlikely to take part in these processes, further precluding them from taking part in the delivery of public services.



This risk to smaller organisations can also be seen when looking at the size of the organisations who said they were unlikely to bid again: a greater proportion of smaller organisations said they would be unlikely or very unlikely to bid for future services through the Dynamic Framework (40%) compared to larger organisations (31%).¹⁸ The sample size here is small (77 smaller organisations and 29 larger organisations) and so this finding can only be viewed tentatively, but it further supports what respondents have said in answer to other questions in the survey.

We also asked organisations to tell us what, if anything, they would change with the commissioning process. Given the results overall, we have included our recommendations in the conclusion of this report but also wanted to include the views and feedback from respondents, particularly as the response rate for this question was high, at 89 organisations.

Respondents had many different suggestions but they were mostly related to perceived fairness in the process and creating a system whereby genuine opportunities are accessible to small voluntary organisations. Many organisations stressed the need to create a level playing field across potential providers.

“The basic structure of badly funded regional contract awards is shutting out smaller organisations. This must change.”

“Make it open, make it fair, look at performance. In the voluntary sector especially there are people working so hard on delivering the services they do not have sufficient time to complete forms in the slickly worded way that some of the larger organisations have time and resources for.”

“Make sure that you appoint the best providers rather than those who can navigate a complicated bidding process that is designed to set people up to fail.”

One respondent in particular outlined their frustration that feedback had not been taken on board during the market engagement events and the commissioning process suffered as a result.

“As always market engagement events are held, providers are asked to feedback and feedback is ignored. The process was massively over bureaucratic and financial qualifications were set which were unsuited to the voluntary sector. This was advised at market engagement and then the Authority had to change its own systems on the women’s estate to be able to allow the sector to bid. It’s incredibly telling that this is the only area where you have smaller voluntary organisations bidding because they were excluded from the rest of the competition.”

Respondents went on to give some specific suggestions for how this could change. These included allowing more time for the commissioning process, using less complex language, simplifying ITTs, and building in support processes for small organisations.

“The process needs to be simplified and/or timescales extended and/or additional support provided so that more charities can participate – the combination of an unnecessarily complex process and inflexible eligibility criteria is preventing many charities from participating because they create significant costs and risks.”



“More regard for importance of accessible language – the language used throughout has been very difficult to comprehend and has made engagement with the commissioning process difficult.”

“Better engagement of the sector, to include supporting potential partnership days, robust but simpler ITTs, capacity building organisations to be able to compete, recognising the value of smaller agencies.”

Other respondents identified the need for smaller contract lots, a decentralised commissioning process that engages local commissioners to encourage co-commissioning:

“Smaller contract lots to drive up quality and locally appropriate responses rather than creating a ‘middle man’ approach which closes out the smaller providers.”

“Engage locally – difficult, I know, but not impossible and would provide better value for money in the long term.”

“Commission at a local level so [the] PCC [Police and Crime Commissioner] can bring together funding from a number of sources and can purchase what is needed to create a whole system approach.”

Given that respondents identified smaller contract lots and a decentralised approach as a way to address some of the challenges with the commissioning process, it is positive that the future tendering processes will be run locally by

RPDs. Some especially highlighted the importance of funding and resourcing RPDs, saying the reform programme should “give Regional Probation Directors more funding to purchase small scale specialist services.” Another said there needs to be “focus on culture and focus on resourcing RPDs properly.”

Organisations also stressed the importance of grant funding for voluntary organisations, particularly for small organisations:

“More grant funding should be provided for small charities with reduced bureaucracy.”

“Make grants available to small specialist organisations instead of being fixated on contracts.”

And finally, one respondent highlighted the need for there to be robust oversight and regulation, particularly in relation to subcontracting relationships.

“[It] needs to be regulated to make sure small organisations are not being [used as] bid candy and that pricing is effective for service delivery.”

Clinks made a recommendation in our TrackTR research for there to be transparency in supply chain partners and asked for CRCs and the NPS to publish, ideally on a quarterly basis, full details of their supply chains. We were pleased this recommendation has been accepted but are yet to see this actioned by the MoJ.



Spark2Life

About Spark2Life

Dez Brown founded Spark2Life in 2006, building on his work challenging youth violence in South London through working in schools. His lived experience and time in prison allowed him to engage in positive and constructive conversations with young people in order to help reduce violent behaviour. Spark2Life now works across Greater London and beyond, both with a range of schools, prisons, probation and youth offending services as well as through detached work, predominantly with young people/adults of Caribbean and African heritage. The organisation remains focused on the disproportionate representation of Black males in the criminal justice system, and considers itself an activist organisation that advocates on behalf of its cohort. Therefore, the organisation feels it needs to be “in the room where decisions are being made, in court, at the police station, in multi-disciplinary meetings...” challenging decisions if they are detrimental to the individual.

Early experience of commissioning

Spark2Life was always keen to be involved in the reformed probation system, not least because it felt it was already doing similar work through



a range of existing local authority contracts. In its experience, local authority commissioners see the organisation as an expert in providing culturally competent approaches, specifically working with Black men and boys in the criminal justice system, with whom statutory services struggle to engage. However, Spark2Life quite quickly found that qualifying onto the Dynamic Framework was a huge barrier: it found the qualification process to be baffling and frustrating, also describing it as “clunky.”

Despite some of Spark2Life’s staff having a background in tender and bid writing, and having found most previous commissioning processes fairly straightforward, the organisation felt the Dynamic Framework application process was extremely onerous and confusing. It also felt out of all proportion to similar previous dynamic purchasing systems. This was put down to the way the “portal” had been designed, including the “different geographical areas, which you have to cross-reference with the themes (young adults, etc) – this vertical-horizontal mapping was very confusing!” Overall, Spark2Life felt the wording of the documentation contained lots of jargon and was:

“Too academic, too statutory, the designers clearly had no experience of the voluntary sector – it’s forcing us to fit into their world. It’s a business model not a person-centred model.”

As an example of how confusing the process was, Spark2Life didn’t discover until later on that because it had ticked the box about size of contract it was willing to bid for (i.e. £100,000 to £1 million); it was then excluded from bidding for opportunities that may come up above this threshold. The team avoided ticking it because it would have meant going through the full financial assessment, which was a major disincentive given they might have decided not to bid for these contracts in the end. Spark2Life feels strongly that this would have excluded many organisations like them. It feels it was disproportionate:

“They want us to submit the amount of evidence that you would if you were going for a contract, without there being a contract.”

Ultimately, it took Spark2Life over a year to apply and out of the nine lots it applied for, after two months waiting, it received successful confirmation of only two.

Spark2Life is one of relatively few Black-led organisations that have the capacity to apply for these contracts, and argues that on the one hand, the MoJ want the expertise of organisations like them working with excluded groups, but on the other, the government makes it too difficult for small Black-led organisations to be included in the commissioning processes. Spark2Life saw the commissioning process



for the probation reform programme as exclusionary. Moreover, Spark2Life said, not only are there very few Black-led organisations working in the criminal justice system, these organisations are rarely able to act as lead providers, meaning they are systemically excluded.

Current experiences

Spark2Life felt it was still too early to judge the success or otherwise of the reforms. The team believed they were beginning to see TUPE processes underway from others in the sector, but there did not appear to have been much direct impact on service quality: “there hadn’t been any chaos flagged up by service users.” On the other hand, Spark2Life pointed out that probation services tend to be very “transactional,” in order to manage risk. This means any systemic issues would not necessarily be picked up by staff or clients Spark2Life is in contact with.

In summary, Spark2Life feels that the on-the-ground effects of the current reforms will not be felt until early next year, particularly as services are still recovering from the impact of Covid-19.

Thoughts about the future

Spark2Life pointed out that the Black Lives Matter movement crucially flagged up the issue of cultural competence and unconscious bias

which has led to this becoming a central discussion within many organisations and between professionals. This means that it is even more important that probation services fully address issues around cultural competence and unconscious bias. This is the problem that Spark2Life particularly wants to highlight, and it feels that Black-led organisations need to ‘do it’ for themselves instead of being ‘done to’.

On the current reforms more specifically, Spark2Life, based on the conversations it has had within the sector, does not expect the changes to work out well for the voluntary sector. Spark2Life feels an opportunity has been missed to revolutionise probation and genuinely fix the underlying issues and inequalities in the system. Spark2Life would also have preferred to have seen a more devolved system that is at arms-length from government and could lead to systems change in the way government operates.



Conclusion and recommendations

This research shows that there have been some lessons learnt from the Transforming Rehabilitation programme with organisations welcoming the reunification of the probation service. There is more evidence of partnership working and on the whole, sub-contracted organisations were far more positive of their relationship with lead providers.

However, we find that some issues remain. **Despite an expressed intention from the MoJ for the commissioning process to be open to all voluntary organisations we know it has favoured larger, well-resourced organisations and disadvantaged smaller, local and specialist ones.** Our research showed stark drop off or attrition rates between organisations who showed an initial interest in delivering services to those who were successful in winning contracts. We know there will be several reasons for this but given organisations reported that the commissioning process was complex, cumbersome and bureaucratic it is fair to conclude that for many, it was this process that caused them to drop out. And it is worth noting that this was despite efforts made by the MoJ for registering onto the Dynamic Framework to be 'light touch' in nature. **More needs to be done to involve small, specialist organisations in the delivery or resettlement and rehabilitation services.**

As several respondents noted, it is still very early days and too early to judge the impact of the reform programme fully. The new system is still being rolled out and needs time to 'bed in'. But we know there are things we can learn from

this process and our recommendations seek to inform future commissioning processes, including those conducted by the new Regional Probation Directors.

Through our ongoing work we are starting to see some new challenges emerge, particularly for voluntary organisations working to mobilise the contracts they have won. This information falls out of the scope of this research, but we think it is useful to detail some of these challenges, particularly as they are consistent with the findings in the report.

We are starting to see significant discrepancies between the volumes of people predicted to need some of the rehabilitation and resettlement services and the number of referrals being received, which is creating particular challenges for organisations working to mobilise those contracts. And as respondents had started to indicate in the research, there are challenges with RPD engagement and the probation reform programme is starting to impact on local partnerships between voluntary organisations, as well as between them and other statutory partners. We will continue to monitor these issues and others that might emerge.

Clinks has been proactively engaged in the probation reform programme since its inception and we have already made a series of ongoing recommendations related to the commissioning process. We were pleased to see the resultant report from the independent review of the Dynamic Framework, commissioned



by then prisons minister, Lucy Frazer QC MP, and carried out by Richard Oldfield.¹⁹ The results highlighted in this report support those represented by Oldfield and we support all of the recommendations he made.

The following recommendations are aimed at supporting future commissioning processes and engagement with voluntary sector organisations delivering rehabilitation and resettlement services.

Key findings and recommendations

Key finding

Our research shows that the information provided during market engagement, despite being made available in a timely manner, was not clear or accessible. Reasons for this include the use of terminology that was not familiar to organisations and the volume of information organisations were required to read and digest.

Recommendation 1

Market engagement processes should be timely and give organisations clear and accessible information. The use of jargon should be limited, with any technical terms clearly and accessibly defined by the commissioning authority.

Recommendation 2

Capacity building support should be provided for small, specialist organisations to support them to engage with commissioning processes and to navigate the Dynamic Framework for example.

Key finding

Organisations found the process for qualification onto the Dynamic Framework complex, cumbersome and bureaucratic and the financial costs of working to register onto the framework were significant. The information required to register was also not proportionate to the value of the contracts. These issues were also felt during the bidding process for contracts, with organisations finding the process overly onerous and information not being provided in a timely fashion.

Recommendation 3

The Dynamic Framework and similar commissioning tools need to be simplified to ensure they are proportionate – the information required and time taken to complete the process should reflect the nature and value of the contract being tendered.

Key finding

Organisations working to register onto the Dynamic Framework found it challenging to receive support from Her Majesty's Prison and Probation Service when they had difficulties and were often unable to receive clarity on any questions they asked.



Recommendation 4

Procurement teams should be adequately resourced to provide ongoing and robust support to organisations throughout commissioning process. Furthermore, team members should have relevant expertise for the services being commissioned.

Key finding

Many small, specialist organisations were unable to engage with the commissioning process due to factors including that the financial thresholds that needed to be reached to deliver services were too high, the geographical footprint of contracts was too large, and the information required during the process was disproportionate to the size of the contracts.

Recommendation 5

Contract size should be reviewed and where possible reduced and let over the smallest possible geographical area to enable full engagement of small, specialist providers.

Recommendation 6

To encourage and facilitate the engagement of small, specialist organisations in commissioning processes to ensure true diversity of providers, grants should be the default funding option for voluntary sector organisations. Grants should be provided for three years.

Recommendation 7

Guidance should be developed on the circumstances in which a commissioner would choose a contract over a grant to support decision making.

Key finding

Some organisations need to subsidise the contracts they have won.

Recommendation 8

The true and full cost of services need to be determined to prevent organisations needing to subsidise their work from other sources. This needs to be done in partnership and through consultation with existing service providers, especially specialist organisations.

Key finding

Few organisations reported having a positive relationship with the Regional Probation Directors, with some highlighting concern that due to the time needed for the new probation services to bed in, their focus has so far been internal.

Recommendation 9

All Regional Probation Directors need to proactively reach out to and engage with all voluntary sector organisations in their areas, including those who are already registered onto the Dynamic Framework and those who are not. In doing this they should create clear and accessible structures to enable voluntary sector engagement. Voluntary organisations are more than providers of services and this engagement needs to inform future commissioning processes.



Appendix

Glossary of key terms

- **The Dynamic Framework** is the mechanism through which rehabilitation and resettlement interventions are procured by the Ministry of Justice.
- **Market warming** is the stage where initial documents are released to potential bidders so they can prepare their bids.
- **Qualification** is the process by which organisations apply to be on the Dynamic Framework.
- **The Selection Questionnaire** is something organisations must complete to qualify on the Dynamic Framework and will cover basic information about the organisation and the services they deliver.
- **Call-off** is the stage at which organisations can compete for a contract on the Dynamic Framework. Commissioners will announce their intention to run a call-off for specific services, at which point organisations who have qualified onto the framework can compete for the specific contracts.
- **Day one call-offs** are for contracts to deliver core services that are needed from the first day of delivery of the new model.
- **Service categories** are the types of services that will be commissioned under the Dynamic Framework. There are 14 service categories:
 - » Accommodation
 - » Finance, Benefits and Debt
 - » Education, Training and Employment
 - » Dependency and Recovery
 - » Family and Significant Others
 - » Lifestyle and Associates
 - » Emotional Wellbeing
 - » Social Inclusion
 - » Women
 - » Young Adults (18-25 years old)
 - » Black, Asian and Minority Ethnic (BAME)
 - » Restorative Justice
 - » Cognitive and Behavioural Change
 - » Service User Involvement
- **TUPE** When a business changes owner, its employees may be protected under the Transfer of Undertakings (Protection of Employment) regulations (TUPE). When TUPE applies: the employees' jobs usually transfer over to the new company; their employment terms and conditions transfer; and continuity of employment is maintained.
- **Prime/lead providers** work directly with the government to deliver services. They can subcontract work to other providers, manage subcontractors, and are responsible for ensuring that the work is completed as defined in the contract.
- **Values** refers to the overall cost of the service and the volume is the number of service users the Ministry of Justice is buying the service for.



End notes

- 1 HM Inspectorate of Probation. (2019). *The Transforming Rehabilitation model for probation service is irredeemably flawed*. [Press release]. [Accessed 14 October 2021]. Available from: <https://www.justiceinspectores.gov.uk/hmiprobation/media/press-releases/2019/03/reportofthechiefinspectorofprobation/>
- 2 Clinks. (2018). *Under represented, under pressure, under resourced*. [Online]. [Accessed 14 October 2021]. Available from: https://www.clinks.org/sites/default/files/2018-10/clinks_track-tr_under_final-web.pdf
- 3 National Audit Office. (2019). *Transforming Rehabilitation: Progress*. [Online]. Available from: <https://www.nao.org.uk/report/transforming-rehabilitation-progress-review/> [Accessed 10 November 2021]
- 4 Justice Committee. (2018). *Transforming Rehabilitation*. (HC 482, 2017-19). [Online]. London: The Stationery Office. [Accessed 14 October 2021]. Available from: <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/482/48202.htm>
- 5 Ministry of Justice and HM Prison and Probation Service. (2020). *Government to take control of unpaid work to strengthen community sentences*. [Press release]. [Accessed 14 October 2021]. Available from: <https://www.gov.uk/government/news/government-to-take-control-of-unpaid-work-to-strengthen-community-sentences>
- 6 NCVO define small organisations as those with an income of less than £10,000, whilst large organisations have an income of between £1m and £10m. As demonstrated by our *State of the sector* report, the criminal justice voluntary sector is made up of smaller organisations than the voluntary sector as a whole.
- 7 The Reducing Reoffending Third Sector Advisory Group (RR3) is a voluntary sector advisory group to the Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS).
- 8 Clinks. (2020). *Summary note for the RR3 Special Interest Group on Probation: meeting on the Dynamic Framework – April 2020*. [Online]. Available from: <https://www.clinks.org/publication/summary-note-rr3-special-interest-group-probation> [Accessed 20 December 2021]
- 9 Clinks strives to use language that challenges and does not contribute to racist ideas, actions and policies. In our own work we do not use this term and recognise it can be othering, assume homogeneity, ignore intersectionality, and place recognition on some groups over others. We use it here in reference to the work of others and because removing the term might misrepresent the data and information we are referring to.
- 10 Oldfield, R. (2021). *Review of the Dynamic Framework of the National Probation Service*. [Online]. [Accessed 14 October 2021]. Available from: <https://www.clinks.org/sites/default/files/2021-08/Review%20of%20the%20Dynamic%20Framework%20of%20the%20National%20Probation%20Service%20-%20Richard%20Oldfield.pdf>
- 11 Day two services will be commissioned by Regional Probation Directors and include services for racially minoritised people and finance, benefits and debt.
- 12 Major sized organisations refers to organisations with an income of £10 million – £100 million. <https://beta.ncvo.org.uk/ncvo-publications/uk-civil-society-almanac-2021/executive-summary/>



- 13 This question about the impact of relationships with wider statutory partners was asked twice in error, and so the responses (combining the total positive/very positive, and negative/very negative responses) from both instances of the question are included here.
- 14 Protected Characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. They are enshrined in the Equality Act 2010 and protect people from discrimination.
- 15 We haven't been able to confirm what area the organisation was referring to but co-commissioning is taking place in Manchester and London.
- 16 Please see <https://www.clinks.org/community/blog-posts/taking-look-probation-services-regional-reducing-reoffending-plans> for more information.
- 17 The survey did not ask respondents directly about their organisation's size or income, so here number of employees is used as a proxy for an organisation's size for these specific questions. Organisations that reported having fewer than 50 employees have been considered as smaller, with those that reported having 50 or more considered as larger.
- 18 Again, number of employees has been used as a proxy for organisation size.
- 19 Oldfield, R. (2021). *Review of the Dynamic Framework of the National Probation Service*. [Online]. [Accessed 14 October 2021]. Available from: <https://www.clinks.org/sites/default/files/2021-08/Review%20of%20the%20Dynamic%20Framework%20of%20the%20National%20Probation%20Service%20-%20Richard%20Oldfield.pdf>





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