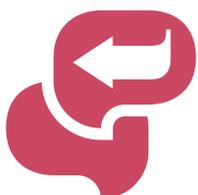


# Probation Service: Approach to grants



**Our response**

Submitted June 2022

# About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the CJS and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 600 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.

The National Criminal Justice Arts Alliance (NCJAA), a national network of over 800 artists, arts organisations and criminal justice practitioners using creative approaches to reduce reoffending is embedded in Clinks. We also support a network of women's centres and specialist women's services working in the CJS and our race and justice network supports organisations led by and focused on racially minoritised people.

## About this feedback

Following the reunification of the Probation Service in June 2021, each probation region has been given commissioning responsibilities and budgets to commission rehabilitative services to support people on probation to rehabilitate and to reduce the risk of reoffending. A Dynamic Framework was set up to facilitate the procurement of contracts for rehabilitative services and several contracts have already been let under this framework. Richard Oldfield's independent review of the probation Dynamic Framework<sup>1</sup> was made public in August 2021 and in March 2022 Clinks published research into the voluntary sector's experience of commissioning.<sup>2</sup>

The Independent reports by both Richard Oldfield and Clinks recommended, among other things, the use of grants to fund not-for-profit organisations to deliver rehabilitative services. HMPPS accepted these recommendations and, in April 2022, published a draft process for awarding grants, inviting feedback from voluntary sector organisations. This included a survey and a focus group, facilitated by Clinks.

Clinks welcomes the publication of the draft process and HMPPS's clear interest in listening to feedback from the voluntary sector. To ensure the grants process is successful there needs to be ongoing engagement and resource available to effectively manage grants.

Transparency is vital – clear information about the amount of resource allocated to grants nationally and regionally will help the voluntary sector understand the opportunity this represents and reassure them that it is achievable. Finally, Clinks made a recommendation in our TrackTR research,<sup>3</sup> published in 2018, for there to be transparency in supply chain partners. We were pleased this recommendation was accepted but are yet to see this actioned by the MoJ. We hope that when it is details of commissioned services both, through contracts and grants, will be made available.

This document draws together feedback from voluntary sector organisations who attended a focus group on the draft approach to grants, as well as feedback gathered from organisations unable to attend. It also includes feedback from Clinks based on knowledge drawn from ongoing engagement with the voluntary sector about their experience of commissioning.

## Focus group feedback

### *Which aspects of the proposed process do you support? How well do you think the proposed grants process will support the work of the voluntary sector in working with the Probation Service?*

Overall, voluntary sector organisations agreed that the proposed grants process had the potential to benefit smaller and specialist organisations that found it difficult to bid through the Dynamic Framework – despite having qualified onto it. Challenges with the Dynamic Framework that were highlighted included the difficulty identifying a partner organisation, a local authority that was unwilling to co-commission, and contracts which covered too large an area. Where organisations were able to achieve subcontracted work, this was often run on a tight budget and not always sustainable. Organisations were keen that the grants process should not inadvertently replicate this model by favouring larger organisations or prioritising joint applications for ease of management.

The broad split between enforceable and non-enforceable services was welcomed and organisations currently providing both reported better engagement by people under probation supervision with non-enforceable services, even where content was identical. This has potential implications for organisations that hold both grants and contracts in future, in terms of measuring effectiveness of engagement, number of service users and user experience. HMPPS (Her Majesty's Prison and Probation Service) confirmed that Dynamic Framework contract holders are not excluded from the grants process.

The maximum grant value was agreed as 'about right' and the three-year time scale broadly welcomed. Longer-term funding enables better planning of services, a focus on delivery rather than contract management, consistency and more partnership working across the sector, maximising impact, and value for money. Some organisations suggested that the new model provided an opportunity for organisations to be part of forward

planning, to provide their knowledge and expertise around service user need to feed into what kind of themes/grants would be commissioned in the future and so that they are able to best place their resources and focus on grants that they can deliver on.

The longer time scale also creates potential for innovation and collaboration and the proposed guidance suggests it is possible to change the project part way through which is welcomed so that services can respond flexibly to changing need. There were questions about whether the model would enable pilot work within the three years. Some organisations suggested the time scale might usefully be extended to four or five years, allowing more time to bed in a service and measure effectiveness.

Some organisations reported that being invited to comment on the proposed model made them feel valued and all were keen to be consulted on the focus of future funding rounds (the first being on work with racially minoritised communities). Organisations would like the opportunity to be part of and feed into the commissioning process so that appropriate grants are commissioned for the probation areas they operate in and to make commissioners aware of what services they could offer so these could then also appear on the Dynamic Purchasing System where appropriate. The Wales Commissioning & Collaboration forum was considered an example of good practice.

The training expectations were interpreted differently by different organisations – for some, this was seen as a commitment to partnership working, providing training that smaller organisations might struggle to fund and ensuring consistency across providers and statutory bodies. For an alternate view, see below.

## *Which aspects of the proposed process do you have concerns about? What else would you like to see in this process? What do you think should be taken out?*

### **Financial concerns**

Payment in arrears would be a significant issue for smaller organisations as it requires having reserves to cover costs until payment is made. As reported in Clinks' State of the Sector 2021, just 26% of responding organisations achieved full cost recovery across all their contracts, subsidising the shortfall using their own reserves or other funding sources. The prospect of further strain on limited reserves – typically voluntary organisations have between three and six months – could deter organisations from applying for grants. A lack of reserves may be a reason an organisation would be unsuccessful. Organisations suggested a model of yearly or quarterly up-front payments but cautioned a one-size-fits-all approach is unlikely to encourage applications from all parts of the voluntary sector. Organisations felt costs should not be weighted as smaller organisations cannot compete against the economies of scale that larger organisations can.

The minimum grant amount – £5000 – was considered too low by some. The upper limit of £150k was broadly welcomed, although some organisations were concerned that

this was for the first round and there is no certainty that this will be the case for future work. It was questioned whether there potential for the upper limit to increase in further funding rounds highlighting further the need for a clear understanding amongst the sector of the amount of resource that will be available to commission these grants.

Grants are not index linked and inflation is set at 3% which is not reflective of the current inflation rate or that expected over the lifetime of the grant. The guidance proposes two options for applicants to approach this (at 2.6.2), but it is not clear that these are really two options. The first option implies HMPPS will increase the grant award each year, which is not the case (as we understand it). The second option is that organisations will have to factor in increasing costs to their delivery each year. This is really the only option presented.

## **Practical concerns**

Concerns were raised about the timeframes – the first process is due to run in “early summer”, but organisations need more detail and will need time to consider opportunities, develop and plan a response. The current lack of detail on future competitions means organisations cannot plan and decide whether to go for this round or wait. It is not clear if successful grant holders will be excluded from future rounds.

Smaller organisations may struggle to respond to the level of information needed against the criteria and at least one organisation reported they would not engage in the process without further support. If this feeling were widespread and organisations disengaged from the process, it could result in funding allocated to grants going unspent, as had happened with previous ROIF (Regional Outcomes and Innovation Fund) funding in some regions. This may have contributed to the loss of some smaller organisations and concerns remained that regional interpretation of funding guidance could create a postcode lottery.

The list of activities included under ‘Data’ in the table at para 3.2.3 raised some concerns.

Organisations that deliver both groupwork and 1-1 within the same programme or intervention were unsure whether the proposed process would enable funding of multiple outputs within the same grant. One organisation felt the list might inadvertently exclude their service as the list does not include specialist paid services of coaching and mentoring, provided by qualified, paid coaches. If paid mentoring and coaching roles are intended to be captured in ‘1-1 Paid staff’, this might helpfully be made explicit. Alternatively, they hoped HMPPS would consider amending the list to include ‘paid mentoring or coaching’ or specialist services including coaching and mentoring.

Inconsistent language and terminology – for example, the interchangeable use of ‘suppliers’ and ‘organisations’ and references to competition - felt alienating. An opaque or inaccessible process could result in organisations deselecting themselves. It was agreed that HMPPS would investigate forming a working group of voluntary sector organisations to develop the document.

## Geographical concerns

As discussed above, the requirement to cover a large geographical area can make it impossible for local, specialist organisations to bid for funding so the grants process must create an opportunity for these services. There was a keen sense that grants should be focused on localised needs and providers based in the area and dismay that an organisation was able to win a contract providing specialist work out of area by offering a virtual service. Examples of other departmental commissioning were also discussed, where larger organisations won the contract but then subcontracted the work to local organisations. This could be successful but – as discussed in the above – could also leave small organisations running a short term, shoestring service. Some organisations reported inconsistent messaging from regional probation teams regarding the direct awards, general risk aversion and a tendency to fund organisations they already know or who can deliver across a larger area. There was real concern from small organisations that misinformation could undermine the process. Guidance to Regional Probation Directors will need to be clear and unambiguous so they understand when and how to support the use of grants over contracts.

Some organisations expressed a preference for grants to be based around PCC (Police and Crime Commissioner) geography, to attract the small and specialist providers, and emphasised the need for good, regular and ongoing engagement by Regional Probation Directors from the earliest stage.

## Other concerns

Though not solely linked to the grants guidance, concerns remained around prison vetting – the process is slow and not always clear and needs to be happen before the contract starts. The proposed guidance indicates that organisations must collect information on unspent convictions for all staff and volunteers and carry out a basic DBS check and comply with PI 23/2014, even where the person will not require unaccompanied access to prisons or probation offices. Where staff or volunteers remain under probation supervision, organisations must comply with PI 55/2014 (Using offenders as mentors in the community and in custody). It is not clear whether these requirements apply to all staff and volunteers in the organisation or only those carrying out service delivery. PI 23/2014 is normally invoked where a person has failed the normal vetting process. Vetting would not be required for staff or volunteers who do not require unaccompanied access to prisons or probation offices. Organisations expressed concern that a blanket requirement for DBS checks across the organisation and regardless of access to prisons or probation offices could deter staff and volunteers with lived experience and create additional administrative work for the organisation, as well as additional cost.

The table at para 6.2.5 indicates that organisations will be expected to have some staff or volunteers with lived experience of the relevant need, characteristic or cohort. Organisations recognised the positive impact this can have on encouraging recruitment of staff and volunteers with lived experience, something which smaller organisations have led the way on. However, vetting and criminal record assessments, as discussed above, along with additional barriers to recruitment for some cohorts can make this difficult to achieve. Additionally, some smaller organisations had recruited senior staff and trustees for governance experience, which led to a reduction overall in lived experience. Further clarity is needed on

how organisations will be assessed against this criterion. We suggest a framework, ideally developed collaboratively with lived experience experts in the voluntary sector, that can be applied flexibly depending on the nature, scale and specification of the funding round.

Partnership training was considered useful, but this would need to be managed properly – for example by building it into the grant agreement to ensure accountability. HMPPS clarified that the training referenced in the guidance will be online so will not be dependent on delivery by prisons/probation. Attendees who had undergone online training linked to the Dynamic Framework reported that it was positive.

There were additional questions about IT equipment and training to use required HMPPS systems, and whether these costs should be included in grants. The Prisons Strategy White Paper refers to the ongoing Prison Technology Transformation Programme, and it would be helpful to understand how equipment and systems used by non-statutory staff will fit into this programme. We would anticipate this becoming clearer when the mechanism for secure referrals has been finalised but suggest that costs of upgrading equipment and undertaking any training needed to keep pace with changes in HMPPS systems and functionality should be factored into grant awards.

## End notes

1. <https://www.clinks.org/sites/default/files/2021-08/Review%20of%20the%20Dynamic%20Framework%20of%20the%20National%20Probation%20Service%20-%20Richard%20Oldfield.pdf>
2. Clinks (2021). *Tracking the voluntary sector's experience of the probation reform programme*. <https://www.clinks.org/publication/tracking-voluntary-sectors-experience-probation-reform-programme>
3. Clinks (2018). *Under represented, under pressure, under resourced: the voluntary sector in Transforming Rehabilitation*. [https://www.clinks.org/sites/default/files/2018-10/clinks\\_track-tr\\_under\\_final-web.pdf](https://www.clinks.org/sites/default/files/2018-10/clinks_track-tr_under_final-web.pdf)

## Our vision

Our vision is of a vibrant, independent and resilient voluntary sector that enables people to transform their lives.

## Our mission

To support, represent and advocate for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.

## Join Clinks: be heard, informed, and supported

### Are you a voluntary organisation supporting people in the criminal justice system?

Join our network of over 600 members. Clinks membership offers you:

- A voice to influence change
- Practical assistance to be effective and resilient
- Support from a community of like-minded professionals.

Membership starts at just £20 per year and is free for organisations with little income.

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