

Clinks Briefing on Transforming Rehabilitation: A revolution in the way we manage offenders

January 2013

Introduction

The *Transforming Rehabilitation: A revolution in the way we manage offenders* consultation document follows on from *Punishment and Reform: Effective Probation Services*, published in March 2012, which also invited stakeholders to respond to proposed changes to the delivery of Probation Services in England and Wales. *Transforming Rehabilitation: A revolution in the way we manage offenders*, contains the government response to the submissions received for that document, as well as a number of new proposals and discussion questions for consideration by stakeholders.

Since assuming office as Secretary of State for Justice, Chris Grayling has on numerous occasions spoken of his desire to tackle high reoffending rates, improve rehabilitation services for offenders, and extend the use of Payment by Results (PbR) in the Criminal Justice System (CJS). The new consultation document outlines how the coalition government would reform the delivery of offender supervision in the community to achieve these outcomes. It proposes to extend the principle of competition into the Probation Service, contracting out the supervision of the majority of low to medium risk offenders to private and Voluntary and Community Sector (VCS) providers, and paying providers according to their success in reducing reconviction rates. Services would be commissioned nationally across 16 geographical contract areas, and there would be a reduction in the current number of Probation Trusts. It is hoped that a greater diversity of providers, and the money saved by new financial models, will allow an extension of rehabilitative interventions to offenders released after serving sentences of less than 12 months.

This briefing summarises the key proposals outlined in Section A of the document. Organisations should also look at the discussion questions in Sections B and C. A link to the full consultation document may be found at the end of this briefing in 'Further Information'.

Stakeholders are asked to submit their responses to the consultation document by **22nd February 2013** to:

Transforming Rehabilitation consultation

Ministry of Justice 8.25,

102 Petty France

London

SW1H 9AJ

Or via email to transforming.rehabilitation@justice.gsi.gov.uk

Clinks will be submitting its own response and would encourage VCS organisations who wish to share their thoughts and comments on the proposals to contact Katie O'Donoghue, Policy Officer (katie.o'donoghue@clinks.org).

Consultation events

The Ministry of Justice (MoJ) and National Offender Management Service (NOMS) are planning two consultation events in London and Manchester aimed specifically at VCS stakeholders. These events will be designed to provide interested parties from across the VCS with an opportunity to discuss the proposals contained in the consultation document.

To register please click the relevant link below, enter the password **Rehabilitation**, and complete the online registration form. Places will be allocated on a first come, first served basis. Places are limited to one representative per organisation.

Monday 4 February, 12:00 – 16:00, London

Congress Centre, Great Russell Street,
London, WC1B 3 LS

<http://consultationevent1.eventbrite.co.uk>

Tuesday 12 February, 12:00 – 16:00, Manchester

The Palace Hotel, Oxford Street,
Manchester, M60 7HA

<http://consultationevent2.eventbrite.co.uk>

Key proposals and issues arising from the consultation document

Opening offender services in the community to competition

The provision of most offender services in the community, for both those on community orders and prisoners released on licence, will be opened to competition. The Probation Service will retain direct management of offenders deemed to pose a high risk of serious harm, including those subject to Multi-Agency Public Protection Arrangements (MAPPA).

The consultation document estimates that contracted providers could potentially manage an annual caseload of c.260,000 offenders.

Using payment by results (PbR) for providers delivering community services

Contracted providers will be paid according to the results they achieve. Providers will only be paid in full if they achieve sufficient reductions in reconviction rates for their area. Additional outcome payments may be made if agreed targets are exceeded.

The consultation document states that the government remains committed to using a binary outcome measure in PbR contracts. However, government is considering how this measure may be adapted to remove any perverse incentive for providers to concentrate their efforts on those offenders in a cohort who present the smallest risk of recidivism. Government is also considering how to adapt the measure to incentivise providers to keep working with re-convicted offenders who, following sentence, return to their caseloads.

Tackling the causes of reoffending

The coalition government has stated its commitment to tackling high reoffending rates, particularly among offenders leaving prison. Interventions delivered by contracted providers should therefore include 'through the prison gate' mentoring support and attempt to tackle the root causes of offending behaviour, joining up with other relevant services such as accommodation, mental health and substance misuse services.

Supporting local partnership working

Contracted lead providers will be expected to align carefully with local service provision, working closely with local partners from all sectors. Potential providers will be required to evidence how they would sustain and develop local partnerships, including Integrated Offender Management (IOM) arrangements.

It is hoped that the new structures will facilitate co-commissioning with PCCs, and that the public, private and voluntary sectors might all play a role in Community Safety Partnerships.

Using local expertise, including VCS organisations

Respondents to the *Effective Probation Services* consultation 'almost universally agreed' the need to preserve good quality interventions delivered by small and medium enterprises (SMEs) and VCS organisations. The consultation document recognises the 'significant expertise and dynamism' of the VCS and encourages consortia of VCS organisations, or private and VCS providers, to bid for the delivery of services.

Sub-contracting arrangements will be managed fairly and sustainably so that smaller VCS organisations are not excluded or exposed to disproportionate levels of financial risk. Lead providers will be required to commit to supply chain management principles on the same lines as the DWP Merlin Standards.

The consultation document states that the emerging social investment market has the potential to provide the financial capital required for VCS organisations to create sustainable and credible bids. In addition, NOMS has allocated £150k of grant funding to develop an action plan to capacity-build the VCS to operate under a PbR framework. A further grant of £250k to execute the plan will be made available for 2013/14.

Meeting the needs of offenders with protected characteristics, including women

The consultation document states that government will ensure that the specific needs and priorities of offenders with protected characteristics, including female offenders, are recognised and addressed.

Responsibility for female offenders in the community, with the exception of those who pose a high risk of serious harm to the public, will also be nationally commissioned and delivered by the new market providers, using a PbR approach.

Extending rehabilitative services

The document proposes to extend supervision on release and targeted rehabilitative interventions to offenders released from short custodial sentences of less than 12 months. This group have the highest reconviction rates, but currently have no statutory licence or rehabilitation provision.

There will be a statutory basis to require offenders to engage with interventions provided upon release, and a range of available measures for those who do not comply. This could include custody as a last resort.

Maintaining the public sector's role in public protection

The public sector will retain responsibility for public protection and the Probation Service will act as a source of advice on risk management for contracted providers.

The Probation Service will continue to:

- Carry out an initial assessment of the risk of serious harm posed by offenders when a community order is made, or a prisoner is released from prison on licence;
- Provide advice to the courts and the Parole Board, including the preparation of pre-sentence reports;
- Manage directly offenders who are deemed to pose a high risk of serious harm to the public.

Contracted providers will be required to report to the public sector any escalation of an offender's risk of serious harm. Providers will also report material breaches of community orders, suspended sentence requirements, or licence conditions to the Probation Service, who will then advise the court or the Secretary of State.

Facilitate effective partnership working between the Probation Service and other providers

In addition to its roles in risk management and reporting breach, the consultation document proposes to retain the skills and expertise of Probation professionals through employment in the private and voluntary, as well as public, sectors.

All providers will also be required to 'sustain appropriate skills for [offender supervision] services with effective training and accreditation comparable to the high standards in place today.' The consultation document seeks further views on how this might be achieved, for example, through the establishment of a professional body.

HM Inspectorate of Probation will continue to independently inspect offender management carried out by providers from all sectors.

National commissioning of offender supervision in the community

The consultation document proposes that services opened to competition will be commissioned centrally. This presents a significant departure from *Effective Probation Services*, which indicated that commissioning decisions would be devolved to Probation Trusts.

The document suggests that commissioning could take place for offender services in 16 geographical lots, which would be aligned to Police and Crime Commissioner and local authority boundaries to facilitate co-commissioning. This national commissioner function would be informed by intelligence on local need, provided by local delivery agencies.

Organisations should note that these proposed 16 lots do not necessarily correspond to a reorganisation of the current Probation Trusts into 16 new Probation Trust areas. It is expected that most contracts will cover areas larger than the current Probation Trusts. The consultation document suggests that reorganisation will lead to fewer Trusts than

exist at present, with the possibility of one national Probation Service. Transition to this new structure is intended to begin in 2013.

Further information

Transforming Rehabilitation: A revolution in the way we manage offenders -
<https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation>

Punishment and Reform: Effective Probation Services -
<https://consult.justice.gov.uk/digital-communications/effective-probation-services>

Feedback

Clinks welcomes any comments or queries about these new changes via the online [Clinks Network](#) or by emailing Katie O'Donoghue, Policy Officer (katie.o'donoghue@clinks.org).

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