



Supporting the voluntary sector
working in the criminal justice system

Meeting notes from the voluntary sector roundtable on enhanced Through the Gate specification

30th October 2018

Clinks chaired a meeting between representatives from Her Majesty's Prisons and Probation Service's (HMPPS) Through the Gate (TTG) implementation team; the Ministry of Justice's (MoJ) Probation Programme; and current providers of TTG services, including those in and outside of current Community Rehabilitation Company (CRC) supply chains, to discuss the enhanced TTG specification.

The meeting was held under Chatham House Rules and this note provides a summary of discussions.

Introduction

TTG services have not been working as intended. There is some very good practice in some prisons, but this is not seen everywhere. Because it is such a key part of the Transforming Rehabilitation (TR) programme it has been decided to enhance the specification and the current contracts for these services, as outlined in [*Strengthening Probation, Building Confidence*](#).

The previous contract was 'black box'; it specified outcomes but not how they should be achieved. On the basis that this hasn't worked well, HMPPS have now decided to specify clearly what they want CRCs to do. This has been in response to CRCs, supply chain partners, prisons and the National Probation Service (NPS) all being unclear about what should be provided from the CRCs' contracts, which in turn presents challenges for accountability.

The enhanced specification will operate within the current contracts. As such it is an amendment rather than a complete rewrite, and it has certain parameters as a result. It is felt that the enhancement pushes the boundary of the current contracts as far as it can go. New providers are not being brought in at CRC level, but CRCs may or may not choose to bring in new suppliers within their supply chains.

As such, the enhanced specification doesn't represent an opportunity for new suppliers to get involved in delivering TTG services unless the CRC choose to deliver it in that way. The specification doesn't stipulate who their supply chain partners need to be.

What are the changes?

The new Probation Instruction that accompanies the contract specification will be circulated via Clinks with the notes from the meeting. The instruction will help CRCs, prisons and other partners to understand what the CRC is required to deliver. Annex A contains details of the responsibilities of the CRC and where they should or should not signpost to different partners.

HMPPS has specified a list of activities to be provided along each of the reducing reoffending pathways and has clarified where CRCs should signpost and where they should deliver directly.

In recognition of the need for bespoke services according to the particular needs of each prisoner, HMPPS has not created a blanket specification. The new specification outlines three levels of service:

- Level 1 services are around screening needs and resettlement planning – most of this is within the current contracts.
- Level 2 services apply to people with a particular need. Activities should be needs driven and not all activities within this level will be mandatory, and so should be delivered according to individual circumstances.
- Level 3 services are for people with further additional needs, complexities and vulnerabilities; for instance, services for women who have experienced domestic violence and people with learning disabilities.

Some changes were made to the Basic Custody Screening Tool (BCST) process from 1st October:

- HMPPS have decided that wholesale change to BCST is not sensible at this stage but there is a possibility that it might change significantly in the next generation of contracts as a result of the Probation Programme's redesign of services. One of the big criticisms of BCST is that it entails the same process for everyone regardless of sentence length. Therefore, from 1st October any prisoner with more than four years left to serve will only have BCST 1 completed, not BCST 2. In these cases prison officers should flag immediate needs arising from BCST 1 with the CRC TTG provider in the prison.
- In addition, there was previously a 'clone period' that if a person is released and comes back within three months with no changes to resettlement needs then the BCST1 assessment doesn't need to be completed again. However very few staff were aware of the clone period. This has now been extended from three to six months in recognition that often needs aren't changing for prisoners who re-enter the prison system within this period. If needs have changed, then the forms need to be recompleted.

It was commented that much of the screening and assessment process is undertaken by the voluntary sector, but it is unclear how much information the sector has about these changes – organisations in the room were unaware of the changes.

The information has gone to governors and CRCs and the assumption is that it should be cascaded to supply chain partners. Clinks will consider with HMPPS how this information can best be shared with the sector.

The changes will only apply to resettlement prisons (as originally defined by the TR programme). In acknowledgement of releases taking place from non-resettlement prisons, HMPPS plan to ensure the TTG specification activities are available through the rate card. CRCs will put their enhanced TTG services on the rate card for the NPS to purchase for their prisoners being released from non-resettlement prisons.

What is the timetable?

CRCs have been working on mobilisation plans over the summer and HMPPS have a series of checks and balances for these plans before they are signed off. Mobilisation will also be monitored regularly and when the CRC is ready to deliver the service, the team will ensure that CRCs and relevant prisons are working together well and relevant prison governors agree that they are ready for delivery to start. CRCs have to be able to deliver from 1st April but if they are ready to deliver earlier, and HMPPS governance is in place, they can do so.

A key challenge in mobilising the new specification is for CRCs to recruit people to deliver and provide space for people to deliver the services. One of the biggest challenges is somewhere to sit and access to prisoners.

HMPPS are holding regional events in October and November, mainly aimed at prison staff, CRCs and their supply chains and NPS, but can extend the invitation to others in the voluntary sector if required.

Questions (*answers provided by HMPPS to specific questions in italics*)

- Given that the enhanced specification is likely to be delivered by current supply chain partners, if an organisation was named in a bid at the original bid stage of TR but subsequently not contracted to provide that work, is that organisation viewed as being a part of the supply chain by MoJ and HMPPS?

Most CRCs have since amended their schedule six, which is where they would have listed their supply chain. But this is a technical question for the procurement team.

- There was concern that the lessons of the TR programme so far are not being learnt and that the services provided under this enhanced specification will be subject to the same challenges, unless additional new providers with the relevant skills and knowledge are brought in. An example was given of voluntary sector organisations fundraising to find women accommodation because the accommodation offered by the CRC is perceived to be so unsafe that women would rather be on the streets.
- This is a two-year opportunity to test out ways to address issues that could then inform the future new probation model. But there appears to be no fundamental analysis of the flaws in the system, giving CRCs more to deliver an enhanced specification isn't going to change the basic realities. What can happen in two years to fix the system and how can the money be spent to deliver this?

- The important thing for the voluntary sector is that much of the sector's work is around TTG provision and what we have seen over the course of the TR programme is massive amounts of subsidy from the voluntary sector to CRC services. Clinks' trackTR research found that 67% of organisations were subsidising CRC services with other sources of funding and organisations were 10% more likely to get referrals from the NPS and CRCs if not in the supply chain. We have seen this particularly in the specialist sectors.
- Is there a figure for the cost of TTG prior to the additional £22million p.a. being made available? What percentage uplift does the additional fund represent?

It is very difficult to define the costs of TTG, specifically within the original contracts; partly because some of those services are subject to payment by results. It is unclear because the initial payment mechanism didn't define a specific amount for TTG.

- Is the additional £22m p.a. be just for enhanced services in resettlement prisons, or will it also be to cover the services purchased from the rate card for non-resettlement prisons?

The £22m is just for resettlement prisons. Services in non-resettlement prisons will be purchased from a different budget.

Many of the challenges the sector has faced and the issues with the rate card have been recognised and are being considered as part of the Probation Programme. This enhanced specification doesn't define the model for the next generation of probation services. That is being worked on separately within the Probation Programme team. The probation consultation document clearly stated the need to stabilise TTG services ahead of designing and implementing a new probation model and this what is the enhanced specification is intending to do.

- Concerns were raised about the track record of the rate card and plans to utilise it as a mechanism for delivering TTG services in non-resettlement prisons.

CRCs will be asked to amend their rate cards so that they properly reflect the services available. Work has also been undertaken with NPS to explore commissioning services at both divisional and national levels as well individual responsible officers commissioning services for individual service users as they are currently intended to.

- Concern remained that there is a need for clarity around the mechanisms by which voluntary sector services are added to the rate card and the costs placed on them. An example was given of a voluntary organisation taking NPS referrals in good faith but subsequently not being paid because the administrative process required to trigger payment under the rate card had not been undertaken.

It was agreed that this is a contract management issue and Clinks will seek to raise it appropriately with the team currently working on how to improve the rate card. In addition, HMPPS will share via Clinks a list of contract managers within HMPPS so that key individual issues can be raised.

Discussion

What are the key challenges for supply chain partners in delivering TTG services?

How should HMPPS engage with supply chain partners?

- There was concern that despite the Female Offender Strategy being very clear about the greater involvement of women's centres in the resettlement of women, women's centres, both those within and outside of current supply chains, are being excluded from delivering the new TTG specification.
- If the new enhanced TTG specification is the result of any consultation with the sector at all, then the sector would have advocated for a role for women's centres.

HMPPS engaged with the sector via a roundtable meeting held in March 2017 also chaired by Clinks. The parameters of the current contracts mean that HMPPS cannot specify who delivers the service beyond the current CRCs. It is for CRCs to choose who they appoint as supply chain partners.

- How will HMPPS hold CRCs accountable for delivering specific services? An example was given of a women's centre currently commissioned to provide community support whose previous TTG gate contract with the Probation Trust was cut under the Transforming Rehabilitation programme, and who has had no engagement whatsoever with the CRC about the enhanced specification.
- There is a danger that CRCs are bringing services in-house and voluntary sector organisations will lose experienced and skilled staff to the CRCs because the voluntary sector is having to put staff at risk of redundancy while CRCs are recruiting for new staff to deliver the enhanced specification.
- Some organisations are now being faced with having to make a choice between using their funding to continue to meet the needs of women that should be being met by CRCs, or backing off from service provision and using the funds to expose the weakness in the system.
- It was clear from the experience of organisations in the room that there is an inconsistent approach amongst the CRCs regarding engagement with the sector on the enhanced specification and whether they plan to deliver it through their supply chains or keep the money and delivery in-house.
- Some CRCs owners have an 'in-house' culture; for instance, cancelling contracts with the voluntary sector and then transferring voluntary sector staff into the CRC

under TUPE. There is a need for market stewardship to ensure funds reach the sector.

- Organisations are struggling to get meetings with CRCs and there are examples of contract review meetings and other requested meetings being cancelled and postponed.
- The new specification should make it much easier for HMPPS contract managers to see whether things have been delivered and hold CRCs to account, but many of the issues being raised will also need to be fed into the next generation of probation contracts.
- Levelling the information playing field would give more leverage to voluntary sector so that, at the very least, the sector has the same information that the CRCs have. Clinks will discuss with HMPPS how to support this.
- Given that we know that there are hardly any specialist services, for instance black, Asian and minority organisations, in the current supply chains, how will CRCs be able to deliver the new specification without contracting new organisations? Did the sign off process for mobilisation plans consider this and can it be used as a lever in the sign off for readiness to deliver process? Recommendations made in the Female Offenders Strategy and the Lammy Review implementation plans should be joined up with this, as otherwise there is a danger that sector organisations, particularly the specialist ones, won't be there to support delivery of the next generation of probation contracts.

The mobilisation plans have all been signed off and we are now in the mobilisation period. As part of this, the question can be asked about how they are planning to deliver specialist services, whether their supply chain will be growing as part of delivery of the enhanced specification and whether they are using voluntary organisations. However, we are unable to mandate the CRCs' delivery models in the sign off for readiness process.

- TTG is not just 'to' the gate and this needs to be recognised for any improvements in service to be seen. One of the biggest challenges is about what TTG is for. A fundamental challenge for TTG is to get resources to flow to interventions and not to forms and systems.
- If the service specification is pushing CRCs towards intervention rather than assessment, then there is a need for evaluation over the two years to feed into future work.

The HMPPS Business as Usual contract management team are working on how best to monitor the delivery of services. Contract managers will audit what's happening against the new specification.

- There is a need to consider what kind of contract management needs to be in place – how can contract managers check in with supply chain partners?
- There is clearly a need to consider how to ensure that providers survive the coming two-year period and are still available to deliver under the next generation of contracts.
- There needs to be a further dialogue between the Probation Programme team working on voluntary sector engagement from 2020, and the HMPPS team working on the TTG specification, because this is where so much of the voluntary sector's work is located. The Probation Programme team in MoJ and HMPPS need to work together to ensure that the contract management for the enhanced TTG specification ensures market stewardship both in the mobilisation and delivery periods and in transition to the next generation of contracts. Clinks will discuss this further with the Probation Programme team.
- HMPPS's operational assurance function (OSAG) is planning a thematic review of TTG shortly after mobilisation of the new enhanced specification (in 2019) and that might provide some assessment. The issues raised here could add to their key lines of enquiry. Clinks will pursue with the relevant team.
- The enhanced specification provides a two-year opportunity to shine a light on what does work, to ensure learning is fed into the new contracts from 2020.

In the new TTG Probation Instruction, HMPPS have provided guidance on what works for specific cohorts of prisoners. This is not mandated but HMPPS have provided information on what is good practice to assist frontline staff.

- The specification being more prescriptive is positive because there is no consistency across CRCs at the moment and expectations are very different.
- How are HMPPS guarding against bid candy again in the contract amendment negotiations? These contract amendment negotiations could be the process that can be used to encourage use of voluntary sector. Lever on CRCs to get them behind the right models.

Contracts have already been varied and were not reliant on bids. This is learning that could be passed on to the Probation Programme for future contracts.

- Will mobilisation plans be available to supply chain partners? Currently there is no way of organisations knowing if they have been written into the plans and what resources have been committed against their service provision. An example was given of one organisation who know they are in a CRC plan but have not been told what it says they will be delivering.

Yes, if CRCs choose to share them; as they are their plans.

- In the rigorous process to sign off CRCs mobilisation plans, was there any benchmark about the amount of funds expected to go to the sector?

No, HMMPS were not able to specify models of delivery within the current contracts.

- Is there a process whereby contract managers will check with organisations in the mobilisation plan as to whether they have had any engagement with the CRC, regarding be written into the plan?

HMMPS will ask for information about how the CRCs plan to deliver new interventions particularly for specialist services during forthcoming mobilisation monitoring meetings.

Next steps

Clinks will publish a note from this meeting and ensure that the actions noted are followed up on.