



Summary note of the RR3 Special Interest Group (SIG) on probation- meeting on mobilisation of contracts

17th November 2020, via video call

Attendees:

- Jess Mullen, Clinks- Chair
- Nicky Park, St Giles- RR3 permanent member and co-sponsor of SIG
- Helen Dyson, Nacro- RR3 permanent member and co-sponsor of SIG
- Peter Atherton, Community Led Initiatives- RR3 permanent member
- Christopher Stacey, Unlock- RR3 permanent member
- Rod Clark, Prisoner Education Trust- RR3 permanent member
- Emma Wells, Community Chaplaincy Association- RR3 permanent member
- Lisa Dando, Brighton Women's Centre- RR3 permanent member
- Dez Brown, Spark2life- RR3 permanent member
- Richy Cunningham, Recovery Connections- RR3 permanent member
- Martin Blakebrough, Kaleidoscope- RR3 permanent member
- Paul Grainge, Recoop- RR3 permanent member
- Khatuna Tsintsadze, Zahid Mubarak Trust- RR3 permanent member
- Mike Trace, Forward- co-opted member
- Adam Moll, Penrose- co-opted
- James Harding, Shelter- co-opted
- Christina Line, Nelson Trust- co-opted
- Lisa Boyack, Changing Lives- co-opted member
- Ellen Green, Pact- coopted
- Will Downs, Clinks- notes
- Nicola Jennings, HMPPS
- Janet Phillipson, HMPPS

Apologies:

- Tina Parker, Pact
- Laura Seebohm, Changing Lives
- Dee Anand, Together for Mental Wellbeing

Introduction

This meeting of the Reducing Reoffending Third Sector Advisory Group (RR3) Special Interest Group (SIG) on probation was convened to provide voluntary sector perspective on the mobilisation of day-one services of the reformed probation model from June 2021.

This meeting follows two previous meetings of the RR3 probation SIG with members of the HM Prison and Probation Service (HMPPS) probation review team. In April 2020 the group met to advise officials on the qualification and call off process for the Dynamic Framework ([see notes here](#)); and in August 2020 the group provided advice on volumes and values of Dynamic Framework contracts ([see notes here](#)). There have been a number of additional meetings on specific issues arising from the SIG, including between the probation review team and SIG members, while Jess Mullen and

Annex Fox have also met with Amy Rees, Director General of Probation, HMPPS and Jim Barton, Director of the Probation Programme, MoJ to raise key issues.

The RR3 Covid-19 SIG separately met with the probation review team in July 2020 to discuss Community Rehabilitation Company (CRC) contract management in the context of Covid-19 and probation reform programme ([see notes here](#)). The RR3 leadership board has also discussed probation with the Minister of Prisons and Probation, Lucy Frazer QC MP at its quarterly meetings in March and June 2020 ([see notes here](#) and [here](#)).

Voluntary sector concerns and purpose of meeting

Jess Mullen thanked HMPPS for attending and for their engagement with the RR3 to date. She said that as competition for day-one services under the Dynamic Framework comes to an end, this meeting has been convened to discuss the mobilisation of these services ahead of the new probation model coming into place in June 2021.

Throughout the competition the voluntary sector has raised a significant number of issues, particularly in relation to access to accurate and timely information, concerns over unit costs and the structure of contracts, specifically the 'ramping up' over four years of contract values. Through engagement with HMPPS, solutions have been reached on some of these issues, though many organisations have still been negatively impacted by the process of bidding for contracts on the Dynamic Framework. Some issues remain unresolved for the women's contract lot, on which a meeting had been convened by Clinks between the probation review team and the Clinks' women's network and the competition deadline has also been extended.

Jess Mullen said the purpose of this meeting is to focus on mobilisation, but this discussion was inescapably held in the context of these issues related to the Dynamic Framework competition.

HMPPS update on mobilisation

HMPPS provided an update.

They said there are different dates for the award of contracts. Employment, Training and Education will be awarded at the end of November, while the tender for women's contracts have been pushed back to allow evaluation of the high level of submissions for qualification to the Dynamic Framework. Some mobilisation periods will therefore be shorter than others. In the tender applications, bidders are required to detail how they will meet a series of milestones to ensure mobilisation for day one. Each supplier will then have an implementation plan as part of their contract.

HMPPS are appointing two mobilisation managers to each region. There are two staff members in each region to ensure continuity and consistency in case of any staff absences or turnover. HMPPS subject matter experts will assist in assessing completion of key milestones where specialist input is required (e.g. around estates, information and security, IT, transfer of people etc.) HMPPS staff and providers will be expected to work closely with the regional transition managers and others making sure that the NPS goes with its new model from June 2021.

Key areas of mobilisation are:

- Staff transfer
- Recruitment
- Vetting
- Payroll / pensions
- Training
- IT hardware
- IT software (Supplier software)
- Access to Customer System

- Information assurance and cyber security
- Estates – Authority properties (ETE and accommodation)
- Estates – own properties including refitting
- Operational processes
- Transfer of in-flight cases (those currently in CRC)

During the meeting, HMPPS asked RR3 members to identify their top five key areas of concern around mobilisation. Many options were selected, but the three most selected options were staff transfer, recruitment and access to customer primary case management system.

Caseload transfer

An RR3 member asked about how CRC Caseloads will transfer across to new providers, for example if you have a NSI open for people, how do their interventions get transferred across to the new system?

HMPPS said that NDelius will remain as the central system for case management of both CRC and NPS caseloads and it is anticipated OASys will also be the primary risk assessment tool. The intention is that staff move with existing caseloads initially. The intention is for minimal impact on service users from day one. HMPPS anticipate that existing NSIs will be closed down and new cases on the customer system will be created for those people who still need an intervention.

Estates

A member of the RR3 said properties represented a significant cost under new contracts. It would be much more efficient for providers to co-locate in the same offices. This would also be easier for service users and reduce the number of separate locations they need to attend.

HMPPS said that providers of ETE and accommodation services will be offered space in probation offices where possible. Wellbeing providers are not expected to be based in probation offices. HMPPS would be open to accommodation and ETE providers who aren't able to use authority priorities to work together, and alongside wellbeing providers, to find properties together if that is desired. Co-location isn't encouraged for women providers, as they are expected to operate from women-only properties.

Flexible approach to new providers

A member of the RR3 encouraged mobilisation teams to take a flexible and collaborative approach to providers, given that crucial information, including requirements around estates, has changed significantly from bid through to award stage. Providers need to be dealt with in a flexible way towards getting the right solution.

HMPPS said that as far as possible within legal constraints, they are advocating for such a collaborative approach.

A member of the RR3 said that providers often feel contract managed by HMPPS and not supported. The emphasis is too often on inspection and compliance and not about how we work together to deliver great services. Mobilisation milestones and implementation plans by HMPPS must be used in a flexible way, to recognise that delivery may not follow the milestones exactly.

Another member of the group echoed these comments and encouraged HMPPS to work with partners to share good practice and for providers to be able to be honest about challenges without

fear. Under the Transforming Rehabilitation model, providers have often felt in competition with one another, but this provided an opportunity for providers to work closely together.

Recommendation: Regional probation directors should be encouraged by the authority to take a collaborative approach with new providers and as a first step towards this should convene engagement and collaboration meetings with all new providers during the mobilisation period.

TUPE

Some RR3 members said that they believe that some of the information they have received on staff expected to transfer under Transfer of Undertakings (Protection of Employment) Regulations (TUPE) has been inaccurate. HMPPS noted that the information provided for earlier competitions was based on earlier submissions from CRCs and that the information received through the more recent formal staff assignment, and provided for later competitions, is likely to have improved. TUPE information won't be final until the authority knows who has won each different competition. HMPPS will look into the issues raised at the meeting and invites RR3 members to raise concerns about specific data.

A RR3 member said it was incredibly important for providers to have correct TUPE information at the start of a mobilisation process, but preferably before call off has finished. Providers need to know who they are getting and who they need to recruit at the earliest opportunity in order to meet the key milestones of implementation plans. Prospective providers are knowingly using inaccurate TUPE information, and having to guess costs related to redundancies.

A member said that education, training, and employment and accommodation data has been completely inaccurate. Information for the wellbeing lot is still inaccurate. Certain members of the RR3 are involved in both the competition for services and in existing CRC supply chains. On the supply chain side, some RR3 members have still not received information about which of their existing staff are in scope for TUPE under the new model, and others have submitted data to their CRC that wasn't present in final data sets. RR3 members have continuously raised questions around this, but have not received adequate answers.

An example of inaccurate information was given for the wellbeing competition, where on one lot, the information included staff allocated to 0.1 or 0.2 of a week, who are earning £100k and the TUPE allocation suggested that a new provider would have to cover their full salaries. Organisations have queried this information, but in lieu of a sufficient answer, have had to budget for making staff on £100k redundant. In some regions, prospective providers have pulled out of bids due to the potential risks of needing to take on costly staff, despite being fairly certain the information is inaccurate.

Jess Mullen said there was clearly a significant lack of clarity over TUPE data. She said she understood that there were some legal reasons for why HMPPS won't always be able to provide full information until contracts launched, but in advance of that work needed to be done to ensure better information was available.

HMPPS said they have never wanted to change information midway through a tender, as it can cause a distraction for bidders and advantage different organisations in the process. They asked RR3 members at what stage of a tender process would it be most helpful or least disruptive to share any new information.

RR3 members said that they should be bidding on the most up-to-date and accurate information, however late that information is. Prospective providers may not always be able to do anything with the data, and there must be processes in place to ensure bidders aren't disadvantaged for

submitting bids on older data. When new information is shared, HMPPS just need to be clear what is being changed and what people can and can't do with it.

Recommendation: HMPPS should routinely share the latest information with bidders, even when competition is already under way. There must be processes in place to ensure bidders aren't disadvantaged for submitting bids on older data.

The commissioning of future services

A SIG member asked how HMPPS planned to ensure a holistic service given there was likely to be a delay between day one services going live and future services being commissioned and mobilised. Another SIG member warned about the capacity of some organisations in the sector if HMPPS intended to commission day two services whilst providers were mobilising contracts for day one. A SIG member asked whether as part of their planning, HMPPS had a clear consideration of how probation services would work in a joined-up way with the wider system.

HMPPS said that conversations around join-up of services and day two services will be held regionally. HMPPS are setting up services to meet peoples core needs centrally, but the responsibility to commission day two services transfers to Regional Probation Directors, who will be expected to engage co-commissioning partners, local authorities and the voluntary sector in their work. Future commissioning will be an ongoing process throughout the life of the Dynamic Framework, and it is designed to give flexibility to enable probation leads and other partners such as Police and Crime Commissioners to further commission services that meet the emerging and dynamic needs of service users at the local level.

HMPPS said regional commissioning teams are not yet in place, and the capacity therefore in the short term for regional areas to commission for further services is limited. Some future services could be commissioned much later than June 2021. HMPPS suggested another meeting of the SIG to look specifically at future commissioning.

Action: members of the RR3 and officials agreed to convene another meeting on future commissioning.