



Summary note of the RR3 Special Interest Group on Probation – meeting on future commissioning

14th January 2021, via video call

Attendees:

Helen Dyson, Nacro (SIG co-sponsor)
Nicky Park, St Giles (SIG co-sponsor)
Christopher Stacey, Unlock
Dez Brown, Spark2life
Emma Wells, Community Chaplaincy Association
Paul Grainge, Recoop
Peter Atherton, Community Led Initiatives
Richy Cunningham, Recovery Connections
Tina Parker, Pact
James Harding, Shelter
Ellen Green, Pact
Helen Kelly, Changing Lives
Mike Trace, Forward trust

Niki Gould, Nelson Trust
Lisa Dando, Brighton Womens Centre
Jess Mullen, Clinks (chair)
Will Downs, Clinks (notes)

Officials present:

Andreas Bickford, MoJ
Ruth Walters, HMPPS
Janet Phillipson, HMPPS
Chris Taylor, HMPPS
Jonathan Martin, HMPPS
Abigail Kossoff, HMPPS
George Barrow, MoJ

Apologies:

Dee Anand, Together for Mental Wellbeing
Martin Blakebrough, Kaleidoscope
Tracy Wild, Langley House Trust
Khatuna Tsintsadze, Zahid Mubarak Trust
Adam Moll, Social Interest Group

Background information

- This meeting of the Reducing Reoffending Third Sector Advisory Group (RR3) Special Interest Group (SIG) on probation was convened to discuss the commissioning of future services under the reformed probation model. This meeting followed three previous meetings of the RR3 probation SIG with members of the HM Prison and Probation Service (HMPPS) probation review team:
 - In November 2020 the group advised on the mobilisation of day one services ([see notes here](#))
 - In August 2020 the group provided advice on volumes and values of Dynamic Framework contracts ([see notes here](#))

- In April 2020 the group met to advise officials on the qualification and call off process for the Dynamic Framework ([see notes here](#)).
- Members of the SIG have also attended additional meetings on specific issues, including with Jim Barton, Director and Senior Responsible Owner of the Probation Reform Programme.

Introduction from the chair

- Jess Mullen welcomed attendees and invited introductions. She explained that some voluntary organisations have only just completed the process for day one services, and many organisations have reported how complex and time-consuming those processes have been. Recommendations first made by the probation SIG in April 2020, particularly for the need for clear information to be provided at the earliest opportunity, have not always been met. The outcomes of bids for day one services have been delayed, impacting organisations' ability to mobilise services effectively ahead of June 2021. This meeting provided an opportunity for voluntary organisations to reflect on their experiences of bidding for day one services to offer advice on how future commissioning services could be improved.
- Chris Taylor said that HMPPS recognise the challenges raised by the sector, and acknowledge and appreciate the patience the sector has shown. He said the Dynamic Framework will exist for at least seven years, and the probation reform team are committed to continuing to develop, adapt and improve it over that time. The Minister has also commissioned an independent review of the framework to help develop it further.

Update from HMPPS on vetting

- Janet Phillipson provided an update on vetting, in response to questions raised at the previous SIG meeting on mobilisation. The required vetting standard for staff working for Dynamic Framework contracted providers is the Baseline Personnel Security Standard. As part of this, a standard DBS check is required.
- A transferring staff member need not reapply for vetting if: they have been successfully vetted in the last three years; have two years remaining before the vetting expiry point; haven't had any breaks in employment; *and* have some proof of vetting (i.e. DBS reference number). Existing staff working for new suppliers, or newly employed staff, will however require clearance ahead of day one delivery.
- For staff who might not 'pass' a standard DBS check, they will need to satisfy the community plus requirement, set out in the probation instructions. For community based roles, an internal risk assessment process needs to take place, as detailed in the probation instructions, and an annual risk assessment will need to be signed off by a senior manager for the supplier organisation.
- Suppliers are required to undertake their own vetting independently of HMPPS processes, though HMPPS will supply guidance. HMPPS encourage organisations to carry vetting out as early as possible to allow digital on-boarding activity.

- Chris Stacey said he was surprised at the decision to ask for standard DBS checks. He said usually a basic or an enhanced check would be requested, dependent on the role, and that standard DBS checks are relatively rare and it needs to be clear when prison/HMPPS vetting will be required and where providers will be able to make their own recruitment decisions. He offered to have further discussions with HMPPS about this to help inform the accompanying guidance, as the difference between different levels of criminal records checks could have a significant impact on how people with lived experience could be employed. *Action: Chris Stacey to follow up with HMPPS around vetting processes.*
- Attendees said that it was important that there was a clear understanding of the rules around vetting, as organisations have faced challenges from Community Rehabilitation Companies (CRCs) and prisons when recruiting people with lived experience. It was suggested that the RR3 probation SIG have the chance to comment on relevant guidance on vetting before it is issued. *Action: Secretariat to discuss with HMPPS how the SIG can feed into vetting guidance.*

Update from HMPPS on the commissioning of future services

NPS regional planning

- Currently, there are many different probation providers running with different processes and methods, with relatively limited commissioning capacity at the local level.
- The aim is to move to single entities in regions led by Regional Probation Directors who can set a strategic regional agenda for reducing reoffending. Each region will have a Regional Reducing Reoffending Plan- a high level document that will be publically available and sets out a three year vision for that region. Annual business plans will also be published to underpin these.
- NPS regions will also commission services based on local need. Both co-commissioning and commissioning services directly from the Dynamic Framework will be encouraged. The Regional Outcomes and Innovations Fund (ROIF) started at £2m in 2020-1 (across England and Wales), rising gradually to £20m in 2024-5 (subject to spending review).
- Regional teams are being built up and regional plans are being developed. HMPPS is working with transitional leads so that by April 2021 business plans and Regional Reducing Reoffending Plans (RRRPs) will be completed, ready for clearance and the publication of RRRPs.

Funding sources and commissioning routes for rehabilitative services

- The Dynamic Framework is a procurement vehicle that Regional Probation Directors will use when commissioning services directly. Each regional probation area has funding for core sentence delivery services - that includes the services for which competitions are currently running, and the Finance, Benefits and Debt, and Dependency and Recovery service categories.
- The ROIF is not for enforceable services but additional and rehabilitative services. This is supplemented by additional funding that comes from other commissioners such as Police and Crime Commissioners (PCCs) and Local Authorities. For any of these sources of funding, the NPS

can use the Dynamic Framework, or if they are co-commissioning they can use either the Dynamic Framework or the co-commissioner's procurement route.

- Guidance issued to Regional Probation Directors focusses on how to identify need and how to address those needs through commissioning, including through co-commissioning. Jess Mullen asked whether voluntary sector organisations could help shape further iterations of the guidance. Janet Phillipson said that the guidance has been signed off as the first version, but there remains many gaps and they would welcome feedback and input from the voluntary sector to help shape the second version due in spring. *Action: chair and secretariat to collate feedback on the commissioning guidance issued to Regional Probation Directors.*
- HMPPS has included a recommendation to Regional Probation Directors to link in with voluntary organisations, to understand need locally, but this is an area HMPPS wants to develop further in future.

Service user input

- HMPPS recognises the importance of service user involvement. The HMPPS Service User Advisory Group has helped to steer and strengthen how service users are involved. With the support of the group, a number of commitments have been set out on how to strengthen service user involvement at the regional level. It is hoped in particular that service users can have meaningful input into co-commissioning processes and decisions around the ROIF.
- Richy Cunningham asked what plans were in place to support service users to understand the changes to the service and how it will affect their experience of the service. Ruth Walters said there is a big effort in place nationally and locally around this. In each region there is a service user involvement single point of contact, that helps HMPPS pull clear communications together.

Services for people from minority ethnic background

- HMPPS launched the VCS stewardship fund in November 2020 to strengthen the capacity of black, Asian and minority ethnic (BAME) specialist voluntary organisations. The funding, which has been provided to Regional Probation Directors, aims to prepare organisations to participate fully in new probation arrangements. Funds need to be spent by March 2021.
- HMPPS will evaluate the impact of the funding before producing a specification for BAME-specific services on the Dynamic Framework. BAME specialist voluntary organisations will be engaged in the development of the specification. HMPPS has yet to decide whether the specification will be drawn up centrally, regionally or both.
- Dez Brown asked for more information on the BAME cohort funding to be spent before March 2021. George Barrow said that £100,000 has been distributed to each probation region, some money has also gone separately to Clinks to fund the provision of free consultancy support for BAME led and focussed organisations. Emma Wells suggested a rerun of the VCS stewardship fund would be very welcome with focus on specialist and BAME-led organisations. *Action: George Barrow to follow up with Khatuna and Dez about the VCS stewardship fund.*

Procurement pipeline

- There are no established timelines or pipelines yet in place for the procurement of future services (beyond that which has been published on the e-sourcing system). The indicative process for launching competitions is:
 - Write to potential bidders signalling the intent to run call offs, including dates for market engagement and high level call off start date
 - Market engagement information shared (draft specification, evaluation criteria, payment and performance)
 - Market engagement via webinars (or in the future face-to-face)
 - Pipeline updates on e-sourcing system with key competition milestones
 - Further market engagement if required
 - Call-off documentation issued.
- Dez Brown said it still wasn't clear when future services would be commissioned. Jess Mullen agreed and said for those that haven't been able to engage in the day one services, there is still little sense of when their opportunities to engage will come about. Chris Taylor said that there was no specific dates yet but HMPPS will give as much notice as possible. Janet Phillipson said there are no imminent plans to procure future services before summer 2021. *Recommendation: HMPPS should publish as soon as possible an indicative procurement pipeline for future services.*

Feedback and discussion

- Jess Mullen said that it appears from the documents that Finance, Benefits and Debt, and Dependency and Recovery will be commissioned first and with an allocated budget, but that other service categories have neither timescale nor assigned budget. She asked whether the only other funding available for these additional service lots would be through the ROIF.
 - Janet Phillipson said additional central funding is being made available for a contract to support the national design of service user involvement in the probation programme, and there may also be regional budget that can be used for local service user involvement. There aren't however specific budgets set for other service categories (BAME services, Restorative Justice and Cognitive and Behavioural Change) and there won't be any. Funding from the ROIF can be used, co-commissioning routes will be encouraged and there may be also be funding 'left over' from day one call-offs.
- Emma Wells suggested that some organisations have struggled to engage in opportunities such as the Voluntary and Community Sector stewardship fund, due to tight turnarounds and the need to spend funds in a short time frame. She said this should be a key learning that should inform future commissioning.
- Nicky Park asked how long funding awarded through the ROIF would last. She hoped that HMPPS has taken on learning from previous commissioning that funding a service for 12 months isn't sufficient.
 - HMPPS said that the ROIF has been made as flexible as possible, with regions needing only to prove and justify that they've spent the money well. Multi-year contracts are anticipated and expected, and should be enabled through the ramp-up model of funding.

- Jess Mullen said that flexibility is welcome and useful, but a useful addition to the guidance would be to set out how that flexibility can be used in a way to support the sector. For example, setting out how and why a three year grant is beneficial compared to a one year contract. *Recommendation: HMPPS to set out clearly in guidance to Regional Probation Teams how commissioning arrangements can be structured to best engage and support the voluntary sector including why voluntary sector services require sustainable funding agreements to operate effectively.*
- Nicky Park said that small organisations struggled to get onto the Dynamic Framework, and if the Dynamic Framework will continue to be used for future commissioning, including for the ROIF, then those processes needed to be simplified.
 - HMPPS would like to hear where difficulties are experienced by the sector, and they acknowledged that different areas may take longer to establish effective commissioning processes. Regional Probation Directors are getting consultancy support from voluntary organisations to help develop their local plans, including how they consult with the sector and how they ramp up.
 - Andreas Bickford said HMPPS is already looking at what lessons it can learn to further simplify the processes and documentation behind the Dynamic Framework. He noted that the large volume of bids for day one services added complexity to the process for onboarding suppliers, and acknowledged an impact on communications; but noted that volume is unlikely to repeat itself.
- Nicky Park questioned the decision not to make Finance, Benefits and Debt a day one service. Since the start of the pandemic, with both statutory and voluntary sector services struggling to access the prison, responsibility has fallen on resettlement services to support in this area. When the new model comes in place from June, there is very likely to be a significant gap in support in this area.
 - Chris Taylor invited Nicky to contact him with specifics of the concern she raised. Helen Dyson said she agreed with the concern and would share some additional information. *Action: Helen Dyson and Nicky Park to feed back to HMPPS concerns over gaps in services for Finance, Benefits and Debt.*
- Helen Dyson said the language between what is considered a sentence requirement and what is 'outcomes focussed' is problematic, as all services should be focussed on outcomes. The use of the term 'outcomes' in the ROIF almost suggests services delivered as part of a sentence isn't outcomes-focussed. HMPPS said that was not intended and services related to sentence requirements should also be outcomes focussed.
- Jess Mullen said she was concerned that the guidance issued to Regional Probation Directors seems to state that contracts are the norm and grants are the exception, which could damage the ability of small organisations to engage. Janet Phillipson said there is clear guidance across government that anything defined as a specific service requires a contract. Chris Taylor said there is flexibility in the system and willingness and desire to look at most appropriate route to

market, including through grants. *Recommendation: The guidance requires greater clarity as to what constitutes a 'specific service' that requires the use of a contract in order to prevent contracts being used as default, it should also include information about why grants are better suited to funding voluntary sector services.*

- Emma Wells said that many small organisations that have struggled to engage with the Dynamic Framework will be focussed on trying to secure funding outside of the probation commissioning routes. What are the best opportunities for small and specialist organisations to secure funding in the new model given those organisations have been unable to get onto the Dynamic Framework?
 - Janet Phillipson said that where co-commissioning takes place, the lead commissioner can use their own procurement routes. For services commissioned directly by probation, the Dynamic Framework will be the route to market. Prison services can use the Dynamic Framework, but they also have other routes they can use, such as the prison education framework.
- Nicky Park said services from day one will be very different, and some services categories may appear to governors to be pared back from what they are used to. Voluntary services experienced some push back from governors under Transforming Rehabilitation when the level of service changed. She asked that HMPPS consider how to manage expectations amongst prison governors. *Recommendation: HMPPS to share with the sector their communications with prison governors over the changing nature of key probation services from June 2021.*

ENDS.