



Reducing Reoffending Third Sector Advisory Group (RR3)

Via videocall

Tuesday 2nd March 2021

RR3 members:

Anne Fox, Clinks
Jess Mullen, Clinks
Will Downs, Clinks
Dee Anand, Together for Wellbeing
Francesca Cooney, Prisoners Education Trust
Helen Dyson, Nacro
Khatuna Tsintsadze, Zahid Mubarak Trust
Laura Seebohm, Changing Lives
Lisa Dando, Brighton Women's Centre
Martin Blakebrough, Kaleidoscope
Paul Grainge, Recoop
Peter Atherton, Community Led Initiatives
Peter Dawson, Prison Reform Trust
Tina Parker, Pact
Nicky Park, St Giles
Dez Brown, Spark2life

Apologies:

Tracy Wild, Langley House Trust
Emma Wells, Community Chaplaincy Association

Officials:

Simon Marshall, HMPPS
Bettina Crossick, HMPPS
Adam Bailey, MoJ
George Barrow, MoJ
Chris Taylor, HMPPS
Anna Webb, MoJ
Lucy Frazer QC MP, Minister of State for Prisons and Probation

1. Introductions

- 1.1. Anne Fox welcomed the group and invited introductions.
- 1.2. Anne Fox explained that this was Nicky Park's final meeting on the RR3 in the medium sized organisation seat, as she has taken on a secondment role with the Ministry of Justice (MoJ) prison leaver's project team. Since the last meeting, Richy Cunningham has left his substance misuse seat as he has now also moved to the MoJ's prison leavers project team, and Chris Stacey has stepped down from his employment seat as he has now joined Clinks as Director of Support and Development. Recruitment for all three seats is now under way. The group thanked Richy, Nicky and Chris for their generous contributions to the RR3 in recent years.

2. Key findings from the RR3 special interest group on probation reform

- 2.1. Anne Fox welcomed Lucy Frazer QC MP, Minister of State for Prisons and Probation to the meeting, and explained that the purpose of this session was to share key learnings from the RR3s work on probation reform and Covid-19 in the past 12 months, to help inform how the government can best work with the voluntary sector moving forward.

- 2.2. Jess Mullen set out some of the key findings from the RR3 special interest group on probation reform (RR3 probation SIG). The RR3 probation SIG consists of permanent members of the RR3 plus a number of senior voluntary sector leaders co-opted to the group. The special interest group has now met four times with the HMPPS probation reform team to advise on the design of the Dynamic Framework; values and volumes of contract lots; the mobilisation of day-one contracts; and the future commissioning of services. The relationship with the probation reform team has been constructive and solution-focused, and Jess welcomed the overall direction of travel of the probation programme.
- 2.2.1. Jess Mullen said the vast majority of the voluntary sector have struggled to engage with the commissioning processes. While 400 organisations expressed interest in qualification to the Dynamic Framework, only 204 qualified. There are around 1,700 voluntary organisations working in criminal justice.
- 2.2.2. The outcomes for commissioning of ETE and accommodation contracts were disappointing - only 4 out of the initial 17 contracts were awarded to organisations from the sector.
- 2.2.3. Outcomes were better for the Personal Wellbeing contracts. Thresholds around some technical requirements were lowered after HMPPS conducted analysis of reasons for non-compliance in earlier competitions. As a result, 70% of contracts went to voluntary sector organisations. There is however limited diversity of lead providers, with only 8 providers across 36 contracts.
- 2.2.4. The sector recognises that the total amount of money being put into the reformed probation model is greater than ever, but feedback has shown that individual contracts are still underfunded. There are a number of reasons for this, including resources being spread more thinly across the service, the use of a ramp-up payment structure which offers much lower contract values for the first two years of delivery, and costly technical requirements within the contracts around IT, accommodation and staff transfer.
- 2.2.5. Throughout the commissioning process, HMPPS has not always provided accurate and timely information to the sector, particularly in regards to staff transfer requirements. While the RR3 probation SIG recognises the extraordinary pressures and constraints faced by HMPPS in the past year, this lack of information has hindered some organisations in their bids.
- 2.2.6. There is also no budget nor timescale of when future contract lots will be commissioned. These challenges are in the context of a wider pressure on funding for the sector. It's also disappointing to see little engagement from regional probation directors over their reducing reoffending plans which are near completion.
- 2.2.7. The RR3 probation SIG has welcomed the investment made by MoJ and HMPPS through the VCS stewardship fund, to support the engagement and capacity building of specialist organisations led by people from black, Asian and minority ethnic (BAME) communities. Without timescales or budget for the BAME contract lot however, there are real risks this investment will not be put to effective use.

- 2.3. Helen Dyson, co-sponsor of the RR3 probation SIG, said the SIG had provided a productive forum to discuss the sectors concerns, though there has been some frustration that feedback hadn't transpired into significant changes in policy. Many organisations in the sector that wanted to bid for contracts simply to retain existing footprint had to walk away as contracts were not financially viable. Small organisations have said they can't engage with the process at all and struggled to qualify, let alone submit tenders. She welcomed the lowering of thresholds for Personal Wellbeing, but said that a more flexible approach should have been taken for the accommodation and ETE contract lots.
- 2.4. Nicky Park, co-sponsor of the SIG, said that feedback on non-complaint bids has seemed inconsistent across different areas. There has been a large number of cases where non-compliance could have been resolved by simple follow-up questions. There is fear that the long-term impact of this process will be that the sector disengages from MoJ commissioning in the future as it is seen as too complex for too little reward.
 - 2.4.1. Chris Taylor acknowledged that approaches to evaluation within each competition was different in each region. A consequence of running a large number of competitions simultaneously was the need to have multiple evaluation teams. The important thing is that HMPPS were consistent within each region.

3. Discussion on probation reform

- 3.1. Lucy Frazer said she was pleased the RR3 probation SIG have had the opportunity to engage with officials and thanked the group for taking part in discussions. She said the voluntary sector is vital to the delivery of services and that the MoJ is committed to providing opportunities to local voluntary sector providers. She was pleased feedback has been taken on board by the probation reform team in relation to the Personal Wellbeing contracts and she said that this is indicative of their wider commitment to improving the framework. A review of the Dynamic Framework has been commissioned and the Minister invited the group to feed into that process. She suggested further conversations could take place with the Cabinet Office to explore how competitions are conducted.
- 3.2. Laura Seebohm said that many large charities in the sector with capacity and capability to engage in significant procurement activity found competitions under the Dynamic Framework unfeasible. This includes organisations that have been contracted by other government departments to deliver high value contracts. While organisations understand there are some additional assurances involved in delivering criminal justice services, there remains some confusion as to why so many organisations are non-compliant specifically with competitions run by the Ministry of Justice.
- 3.3. Martin Blakebrough said any review into the Dynamic Framework should have a specific focus on what happened in Wales, where there were no bids at all for some contract lots. Many organisations delivering services in Wales are small and felt unable to bid for contracts due to the complexity and poor communication.

3.4. Dee Anand said he works for a large charity that already delivers criminal justice services, but his organisation had to pull out of competitions due to reasons outlined by others. He said the MoJ fail to appreciate that the voluntary sector has to meet heightened evidential requirements as trustees have a responsibility to ensure that charitable funds are spent appropriately. Charities cannot take a risk on contracts in the same way that private sector organisations can.

3.4.1. For example, some trustee boards did not allow organisations to bid for contracts due to inaccurate Transfer of Undertakings (Protection of Employment) (TUPE) information being provided. The contracts presented too much of a risk given that significant costs related to ongoing staff and pensions were unknown. Chris Taylor said complexity associated with staff transfer is unavoidable, and HMPPS tried to manage risk to bidders by including a mechanism in the contracts that inaccurate staff transfer costs can be corrected after contract award.

3.4.2. It can cost an organisation £100,000 to meet the technical requirement of ISO001. Larger organisations can consider that cost as part of a wider business decision to invest if similar technical requirements are necessary for other tenders, but many organisations don't have the resource to consider that. Chris Taylor said HMPPS introduced a self-certification route to avoid the need to get the formal ISO accreditation.

3.4.3. Jess Mullen highlighted that requirements around estates have also been an issue, as some contracts have required that organisations identify existing premises that they own and can be used for service delivery in their bids. Voluntary organisations are extremely unlikely to be in a position where they own or have access to existing or vacant properties.

3.5. Dez Brown said that delays to future commissioning present an opportunity to the MoJ, to consider how they can adjust thresholds to ensure that minority ethnic-led and specialist organisations are able to qualify onto the Dynamic Framework and bid for contracts.

3.6. Lucy Frazer asked the group to provide examples of where organisations have contracted with other government departments under simplified processes. Chris Taylor said he would also welcome examples of where commissioning is less complex. Anne Fox offered to source examples from the sector.

3.6.1. Lisa Dando said DCMS award funding via the tampon tax in a simple and effective way via grants. Brighton Women's Centre, in partnership with four other voluntary organisations, were awarded £1m through the fund to work in prisons.

3.6.2. **Action: secretariat to work with the group to explore examples of where voluntary organisations have experienced less complex commissioning processes with other government departments.**

4. Key findings from the RR3 special interest group on Covid-19

- 4.1. The RR3 special interest group on Covid-19 (RR3 Covid-19 SIG) provides a key forum to understand the challenges faced by voluntary organisations working on the front line of the response to the pandemic, and to identify opportunities for the sector and HMPPS to work better together. It has now met 30 times since March 2020.
- 4.2. Anne Fox gave an overview of the work of the RR3 Covid-19 SIG. The key issues the group have faced have been around communication, access to information and engagement in timely decision making. She welcomed the minister's commitment to look at the longer term sustainability and operations of the voluntary sector through the commissioning of the Third Sector Task Force, which has now developed into the Third Sector Strategic Board. The SIG have also fed into the work of the HMPPS Insights team and built strong relationships with HMPPS staff in Gold Command, which has significantly improved the exchange of operational information.
- 4.3. Peter Dawson, sponsor of the SIG, said that the overarching concern of the group has been around communication. He welcomed the progress the group has made to receive information more regularly and quickly. However, he hoped HMPPS could take further advantage of the relationship by seeking the group's input and advice in the development of policy and decision making, rather than post-hoc. He said the group have developed strong relationships with particular officials, but he encouraged the MoJ to be more transparent in its organisational structure and the responsibilities of relevant officials. The most recent organisational chart that is publicly accessible is from April 2019.
- 4.4. Lucy Frazer said it was important that the RR3 Covid-19 SIG were able to input into policy development at critical stages. She acknowledged the point about transparency and said the sector should know who they need to talk to on the issues they are working on.
- 4.5. Anne Fox offered the support of the group to the Minister as she and the department looked ahead to the recovery of prisons and probation from the pandemic. Lucy Frazer thanked her for the offer. She said the department are focussed on learning from the pandemic to build back better across prisons and probation and working to deliver their commitments around prison leavers including accommodation, substance misuse support and supporting people into work. She would welcome the group's input into these priorities.
- 4.6. Anne Fox thanked the Minister for her attendance and engagement, and the Minister thanked the group (Lucy Frazer has subsequently moved to the office of Solicitor General and Alex Chalk MP, Parliamentary Under Secretary of State, MoJ has taken on responsibility for prisons and probation in his portfolio).

5. Updates from RR3, MoJ and HMPPS

- 5.1. The minutes from the December 2020 meeting were approved. All actions had been progressed.
- 5.2. George Barrow said that the Police, Crime, Sentencing and Courts Bill, which translates much of the Sentencing White Paper into legislation, will be introduced soon (the Bill was subsequently introduced on 9th March 2021). George Barrow said there is also a cluster of

work concerning community sentences, including a refresh of the Integrated Offender Management Strategy; extension of the Community Sentence Treatment Requirement (CSTR) work; the pilots to increase the frequency and quality of pre-sentence reports; a review of the out of court disposals model; and the pilots of problem-solving courts.

- 5.3. Bettina Crossick said that Diane Caddle has moved from Director of Safety and Rehabilitation in HMPPS into a new role around corporate social responsibility for social justice in the Ministry of Justice. A new Operational Services Directorate has now been established in HMPPS, which has both the Director General of Prisons and the Chief Operating Officer for Prisons within it. Kevin Reilly is the lead coordinator across prison group directors, and Steven O'Connell has now taken up a new role leading on recovery. Bettina suggested it would be valuable for Stephen to attend a future RR3 meeting. (Stephen O'Connell will meet with the Covid 19 SIG on 24th March).
- 5.4. The Third Sector Strategic Board is in its early stages but will play an important role in working with the RR3 going forward. Bettina also said that work to build stronger relationships between HMPPS, philanthropic funders and the voluntary sector continued, and a further meeting had been planned with the support of Clinks. Khatuna Tsintsadze asked that information about the work with philanthropic funders be published. Bettina said there were plans to publish information in the coming weeks.
- 5.5. Anne Fox said that the sector would benefit from being able to access organisational charts of both MoJ and HMPPS that are updated regularly. Simon Marshall and George Barrow expressed some of the challenges around temporary redeployments and staff turnover, but agreed it should be possible to provide accurate organisational charts at least of more senior officials.
- 5.6. **Action: George Barrow and Simon Marshall to explore providing up-to-date organisational charts for stakeholders of MoJ and HMPPS respectively.**
- 5.7. Paul Grainge said that as part of the recovery work, he would welcome conversations with HMPPS about how they can harness peer support models through recovery, to support with prisoner welfare at a time where resourcing challenges and staff shortages will continue to be faced. Simon Marshall offered to pick the conversation up with Paul.
- 5.8. **Action: Paul Grainge and Simon Marshall to discuss the provision of peer-support models as prison regimes recover.**
- 5.9. Khatuna Tsintsadze welcomed the recent funding distributed to specialist organisations led by people from black, Asian and minority ethnic (BAME) communities. She asked that the MoJ publish a list of organisations who received the funding. George Barrow said this should be possible.
 - 5.9.1. Jess Mullen suggested it would be useful to have a broader conversation around sustainable funding for specialist BAME sector organisations, as the funding that was distributed was short term and there are concerns about sustainability.

- 5.10. Khatuna Tsintsadze offered to have a discussion with Simon Marshall to ensure Muslim people in prison can observe Ramadan.
- 5.11. **Action: secretariat to work with Khatuna Tsintsadze to arrange a meeting with HMPPS to discuss HMPPS preparations for ensuring Muslim people in prison are able to observe Ramadan. (A meeting of the Covid 19 SIG was held on this theme on 17th March).**

6. Closed session

- 6.1. The group discussed the priorities for the RR3 looking ahead to 2021/22.
- 6.2. The group agreed that there was still a need for the special interest group on Covid-19, and that the group will need to increasingly focus on recovery. Anne Fox proposed a refresh of the group's membership, to ensure that the group was covered across all areas of expertise and that more people had the opportunity to participate in the discussions during the course of the pandemic and recovery period. The group agreed to this approach.
- 6.3. **Action: secretariat to plan a refresh of the membership of the special interest group on Covid-19.**
- 6.4. The group agreed that there was still an immediate need for the special interest group on probation reform, though this will be revised in the coming months as probation reform becomes implemented at a regional level.
- 6.5. The group agreed to a proposal from the Chair that in addition to the quarterly meetings, the group should explore convening more one-off meetings around a particular topic, with relevant officials and co-opted voluntary sector members. The virtual meetings are shorter than those held in person, therefore there is a need for further focussed sessions around particular priorities.
- 6.6. Dez Brown suggested that disproportionality in the context of the sentencing white paper could be explored by the group, particularly in relation to challenging the attitudes of magistrates.
- 6.7. Dee Anand suggested that the group could explore the Mental Health Act White paper, which is currently under consultation.
- 6.8. **Action: Will Downs to liaise with Dee around Clinks' response to the Mental Health Act White Paper via the MEAM coalition.**
- 6.9. Following this conversation, a revised work plan for the group will be produced by the secretariat and circulated to members for sign off.
- 6.10. **Action: secretariat to revise work plan following discussion and circulate to the group.**

ENDS.