

**Clinks' response to the Ministry of Justice's consultation:
'Punishment and Reform: Effective Probation Services'
June 2012**

About Clinks

Clinks is the umbrella body supporting Voluntary and Community Sector (VCS) organisations working with offenders and their families. We are a membership organisation with over 450 members, including the Sector's smallest providers as well as its largest, and our wider national network reaches 3,500 VCS contacts. Overall, through our weekly e-bulletin *Light Lunch*, we are in contact with over 8,200 individuals and agencies with an interest in the Criminal Justice System (CJS) and the role of the VCS in the resettlement and rehabilitation of offenders.

We welcome the chance to respond to this consultation; a list of recommendations can be found on page 10 of this document.

Introduction

Clinks circulated an early Briefing¹ on the Probation Review consultation document to our members and other VCS organisations with an interest in delivering services to offenders, inviting written responses. During the consultation period, we also convened four events in London, Manchester, Cardiff and Exeter bringing together a range of VCS organisations to discuss the Probation Review and identify the challenges and opportunities for the VCS and service users (offenders and their families). Approximately 60 delegates attended these events and the discussions were focused around the three questions suggested by NOMS and presented by Martin Copsey, Head of Community Commissioning, at our London event:

- How do we develop a diverse and sustainable market and increase opportunities for the voluntary sector to deliver services to offenders?
- What challenges or opportunities do these proposals present for your organisation?
- How do we ensure that these proposals take account of and build on relevant good practice and innovations that are already out there?

Despite considerable interest in the Clinks consultation events, feedback from the VCS through other channels was much lower than expected. Anecdotally, this appears to indicate a degree of consultation fatigue across the Sector as well as the impact of severe resource constraints on organisations' capacity to engage with future strategic planning or with the shifting policy landscape.

In addressing the three questions at our consultation events, the discussion gravitated around a number of common issues:

- The economic state of the Sector;
- The appropriateness of different levels of commissioning for probation services;
- The fit between the proposals, the wider localism agenda, and the nature of the Sector;
- Payment by results;

¹ Available to download: <http://www.clinks.org/assets/files/PDFs/Briefings/Clinks%20briefing%20-%20Probation%20service%20review%2010%20April%202012.pdf>

- Partnership delivery and the management of risk;
- High risk and the VCS;
- Addressing the needs of women, BAME offenders, families, and other diverse groups;
- User involvement in scoping the future delivery of probation services.

This response is organised thematically around each of these areas and aims to reflect the diverse range of views that were expressed from the Sector.

Background

The VCS has been working alongside the Probation Service both formally and informally for over one hundred years. However, the strategic and contractual relationships have a fairly recent history dating back to the 1980s and beginning with the devolution of funding for offender accommodation from central government to local probation areas. These arrangements were augmented by increased funding to other VCS providers of services in relation to finance, employment, and substance misuse. By the mid-1990s local Probation Areas were expected to spend at least 7% of their budgets on 'partnership' arrangements. This expenditure was governed by local partnership forums of various sizes depending on the nature of the probation area.

With the formation of the National Probation Service in 2001, the '7% requirement' was removed and in subsequent years the funding for services for employment, education and training, offender accommodation, and substance misuse was transferred from probation budgets to relevant local commissioning bodies. The Probation Service increasingly became a co-commissioner alongside these agencies. An important consequence of these developments was that the proportion of expenditure by the Probation Service on 'outsourcing' or partnerships steadily reduced to less than 2% in some areas. Nonetheless, there were some areas where the relationship between the Probation Service and the VCS developed in interesting and innovative ways including examples where the Probation Service 'outsourced' its delivery of intensive supervision and some accredited offender behaviour programmes.

In 2004, the creation of the National Offender Management Service (NOMS) encouraged a renewed interest in the role of the VCS in service delivery, albeit now as a potential competitor to the Probation Service. The creation of a Voluntary Sector Unit in NOMS sought to raise the strategic profile of the VCS at both a national and regional level. The Offender Management Act 2007 established Probation Trusts that were more 'autonomous' organisations directly contracted by the Secretary of State to provide Probation Services. Attempts were once again made to increase the proportion of 'outsourcing' of probation provision to 10% for the year 2007/8, but this figure was never achieved in practice.

The VCS landscape

In seeking to develop a more diverse and cost-effective market to deliver probation services that not only reduces reoffending but proves sustainable in the long term, it is important that the MoJ and NOMS should more fully understand and respond to the distinctive profile of the VCS working with offenders. Recently published research from the Third Sector Research Centre has demonstrated the highly polarised nature of the VCS working in the Criminal Justice System, in terms of its size, income and geographical scope.² It is clear from the tables below that there are a

² D. Gojkovic, A. Mills and R. Meek. 2011. *Scoping the Involvement of third sector organisations in the seven resettlement pathways for offenders*. Online: <http://www.tsrc.ac.uk/LinkClick.aspx?fileticket=JnJy2cVtYx0%3D&tabid=500>

small number of relatively large organisations with national service delivery structures, and a much larger number of quite small agencies working at a very local level.

% of TSOs working with offenders, ex-offenders and their families, by area of operation

Geographic area	Percentage (%)
National	14
Regional	20
County council area	7
Borough/district council/other LA	37
Neighbourhood	21

Levels of annual income

Category	Percentage (%)
Over £1,000,000	9
£100,000–£1,000,000	26
£40,001–£100,000	9
£10,001–£40,000	13
£10,000 or under	39
Not reported	4

Source: D. Gojkovic. 2012. *Results from a national survey of offenders – why is awareness and use of third sector services so low?* Available online: <http://www.slideshare.net/3sectorrrc/national-survey-of-offenders-dina-gojkovic-offenders-and-the-third-sector-may-2012>

Almost 60% of organisations that identify offenders and their families as their main beneficiaries depend on public sources of income, which is higher than for other groups of VCS service users. Additionally, almost 27% of VCS organisations working in this area reported having very little or no income at all, almost twice the figure for the VCS as a whole. Finally, the VCS in the CJS depends disproportionately on income from contracts compared to the rest of the VCS. These findings are very much in line with the results of a recent survey by Clinks of its members, which found that three quarters of respondents had experienced public funding cuts and this had exacerbated their exposure to the current austerity regime of the coalition government.³

³ Clinks. 2012. *When the Dust Settles, An Update: The impact of the economic downturn and changing policy and commissioning on the Voluntary and Community Sector working in Criminal Justice*. Available online: http://www.clinks.org/assets/files/PDFs/Press%20Releases/clinks_when-the-dust-settles_FINAL.pdf

Clinks has consistently supported the increased involvement of the VCS in delivering services to offenders in the community as well as in prison establishments. Clinks has also promoted strong partnership working between sectors and across the VCS. In particular, we have championed the role of small to medium sized VCS organisations working at local level, given their relative underdevelopment but potential to deliver important services and supports of the kind known to encourage desistance. These organisations are in a good position to mediate reintegration because of their roots in the community, tradition of working holistically with individuals, and capacity to build social capital.

Given that the measures outlined in the Probation Review will necessarily take some time to evolve and to be implemented, there is a compelling case for some form of interim strategic funding support for this part of the Sector. The government should identify an effective mechanism to provide some form of transitional funding to bridge the gap between the introduction of the proposed reforms and the anticipated investment resulting from enhanced role of the VCS in delivering probation services. Otherwise, there is a risk that the VCS provider market (both national/sub-national and local) will have so diminished as to be unavailable to meet the challenges and opportunities of the future commissioning landscape.

Commissioning and procurement

There is little doubt that the key proposals for large scale commissioning and procurement outlined in the Probation Review represent significant opportunities for many VCS organisations, especially those that currently deliver on a national or sub-national scale. The commissioning of the management of low risk offenders, where the priority is addressing a range of needs across the pathways, provides a very good 'fit' with the expertise and ethos of the Sector. There are also opportunities for helpful synergies where the management of low risk offenders on post-release licenses and those on community sentences are delivered by the same provider (or consortium of providers). This would help to further bolster the current arrangements for 'end-to-end' offender management, and potentially increase provision for offenders sentenced to short custodial sentences who are released without supervision. There are also advantages to be gained as a result of the lengthy experience of many VCS organisations in delivering 'through the gate' services. However, concerns were raised in the Clinks consultations regarding the potential TUPE implications of such large scale transfers, given the wide disparity in salaries and conditions of employment between the public sector and VCS organisations. Only primes with very significant financial bases would be able to accept the risks and responsibilities of these transfers.

Participants at the Clinks consultations expressed apprehension about the accessibility of the market for VCS organisations of different sizes. The MOJ Reducing Reoffending Third Sector Advisory Group (RR3) Task and Finish group on 'Competition, Commissioning and the VCS' concluded that it was important that policy makers develop a clear view about which services would be most appropriately commissioned at national, regional, and local level.⁴ The consultation document for the Probation Review itself suggests a range of future local commissioning scenarios (e.g. at local authority or Police and Crime Commissioner level), alongside the large scale 'Super Probation Trust' model. These outline proposals currently appear confusingly contradictory, since they make no attempt to unpick which aspects of probation services would be most appropriately commissioned / delivered at each level. There therefore remains a need to develop a new, tiered commissioning model for probation which reflects the wider shift in the commissioning of public services and that would provide clarity for VCS

⁴ L. Frazer and C. Hayes. 2011. *Competition, Commissioning and the VCS*. Online: <http://www.clinks.org/assets/files/PDFs/RR3/RR3%20Competition,%20Commissioning%20and%20the%20VCS.pdf>

organisations regarding which commissioners and/or prime providers they should align themselves with.

The Consultation document appears to favour a 'Super Probation Trust' commissioning and procurement model because of the lack of existing local expertise in this area. Many VCS delegates questioned the efficacy of this approach and believe there is a need for training to be provided to local probation commissioners to enable them to carry out this role, with technical support from higher levels.

Many VCS organisations have also voiced concerns about their vulnerability if they can only access future opportunities in probation delivery as sub-contractors or sub-sub-contractors. Reference was frequently made to the experience of some VCS organisations involved in Department of Work and Pensions (DWP) contracts that have had to withdraw because of insufficient funds to deliver outcomes in work with users with particularly challenging and complex needs. There are worrying examples of VCS organisations being used as 'bid candy' by prime providers, who later fail to make referrals. It is therefore very important that effective arrangements are in place for proper governance of supply chains.

Consortia approaches have clear benefits for service delivery and developing a sustainable market. They allow small to medium VCS organisations to engage at a level that would be beyond their individual capacity, and the diverse range of services available within a consortium ensures that the differing and complex needs of vulnerable and excluded clients can be met. However, effective consortia require sufficient time in the commissioning cycle to be able to clearly articulate what they can provide and how they might shape local services if they were given the opportunity to contribute to service design. Equally consortia need an adequate amount of time to respond to the national, sub national and local procurement of services so that they can design an effective response to service specifications.

A tiered commissioning model should be designed clearly identifying which services will be commissioned at various levels. Training should be provided to local probation commissioners to enable them to act effectively in this capacity, with technical support from higher levels. Where large scale commissioning is envisaged through 'Super Probation Trusts', it will be especially important for MoJ/NOMS to make effective arrangements for proper governance of supply chains. VCS organisations will also require time and support to develop / participate in robust consortium arrangements, in advance of policy implementation.

Strategic local engagement

The proposals in the Probation Review promoting the creation of 'Super Probation Trusts', with large commissioning capacity and the potential for 'outsourcing' a range of probation services to a number of different providers, may produce a conflicting landscape. Put simply, the number of commissioners could reduce while the number of providers increases. This could have an impact on the ability of Community Safety Partnerships (CSPs) and other key partners in local authorities, Health, the Police etc., to engage with probation at the local level unless there are agreed mechanisms to facilitate communication and delivery. Together with the increased powers of Police and Crime Commissioners (PCCs), these arrangements will also locate decision-making a long way from local neighbourhoods where the needs are often most specific and acute, and where partners working together are often best able to develop, commission and procure locally adapted solutions. **Therefore Probation Trusts in their commissioning roles will need to ensure that there is scope for devolving a proportion of their budgets to fund / jointly commission small scale very local initiatives, at the level of the Local Delivery Unit.**

Clarity is required as to the level at which probation engages with the VCS in relation to partnership working, service design, commissioning and co-commissioning arrangement as well as procurement procedures. The current arrangements focus primarily on local authority boundaries

against which Local Delivery Units are aligned. These boundaries tend to be coterminous with CSPs and arrangements for Integrated Offender Management (IOM).

VCS participants at the consultation events confirmed the significant advantages and opportunities gained, strategically and operationally, from close links to local authority, health and police partners at this level of operation. Given the profile of the VCS at the very local level, it will be critical that commissioners retain capacity to reach out to, and involve, small, grass-roots organisations. While they may not necessarily be seeking a role in contracted probation services, they are often able to reach and support the most marginalised service users and provide vital support for community reintegration. Maintaining effective community networks is key to ensuring an understanding within Probation Trusts of dynamics that exist within the locality and the resources that are available outside the contractual framework.

The creation of PCCs will inevitably add a further layer of engagement for the VCS, especially in larger metropolitan areas where the PCCs will embrace a wide geographical area. It will be important that effective channels of communication and influence are created that facilitate engagement of local VCS organisations with PCCs. There may be a role for Probation Trusts to work together with other key local partners to achieve effective routes for influencing PCCs. This could build on existing experience of bringing partners together under local IOM arrangements. Clinks recently delivered a Home Office funded project which explored the way in which the VCS could be an effective partner in these arrangements and has produced a range of tools and resources to support local areas in taking this forward.⁵

Commissioners will need to identify mechanisms for future strategic probation engagement with the Sector that retains a focus on the Local Delivery Unit area, as well as at the PCC and Super Trust level, if these options are pursued.

Payment by results

Payment by Results (PBR) models are viewed as creating both opportunities and threats for VCS providers. Where the provider is expected to carry the risk, it is quite clear that the vast majority of VCS organisations do not have the cash reserves to participate safely while also satisfying Charity Commission requirements to act in the best interests of the charity, especially if there are lengthy periods before receiving payment for delivery. In these instances either some element of 'up-front' payment would be required, or arrangements made for 'clawback' in the event of outcomes not being successfully delivered by the provider. Participants at the Clinks consultation events supported both these approaches, with a minimum of 70% available 'up front' to fund service provision, but felt the most advantageous model of PBR for the Sector would be the Social Investment Bond (SIB), within which the investor carries the risk and the providers are paid for service delivery and producing required outcomes.

In operationalising PBR models, it will be important to consider carefully the kinds of outcomes to be commissioned. For many VCS organisations, the simple binary measure related to reductions in reoffending is inappropriate. The importance of measuring 'distance travelled' (intermediate outcomes) was highlighted by a number of participants in the events, and there was encouragement drawn from the recent commissioning by NOMS of a toolkit to assess a number of intermediate measures.

Whichever model of commissioning is deployed, it will be important that contract lengths are a minimum of 3 years in order for there to be sufficient time for arrangements to 'bed in' and outcomes achieved. This point is indirectly linked to the importance of stability and consistency

⁵ Clinks & Home Office. 2011. *Building Voluntary and Community Sector Involvement in Integrated Offender Management*. Online: <http://www.clinks.org/publications/guides-resources/iom-resources>

for VCS organisations, for whom the relentless changes in policy and drive for ‘innovation’ have caused considerable organisational stress.

The payment by results approach should facilitate participation from a range of providers, including the VCS as a key strategic and delivery partner. The service fee (delivery fee) in payment by results contracts should be available up front, with 10 – 30% of the contract at risk.⁶

Partnership delivery and the management of risk

The proposals in the Probation Review have the potential to create a confusing provider environment, with implications for effective delivery. Given the complexity of some large contracts, effective coordination is critical. Considerations include robust referral arrangements between partners and clear protocols and agreements for recording outcomes. It was stated at the Clinks consultation events that support from commissioners to help the Sector develop these arrangements in every area, in anticipation of market changes, would be invaluable.

There is a need to ensure that services can communicate effectively to ensure that the service user has a smooth transition between services without unnecessary duplication of processes. Desistance research has shown the importance of continuity and stability in the main professional relationship to the successful completion of the sentence or licence and there is a danger of this being lost if arrangements become too fragmented.

Many attending our events commented that risk, as measured by OASys, is not a static entity and that the level of risk can change during the period of supervision. High risk offenders may reduce their risk, while offenders initially assessed as low risk may subsequently produce behaviours that raise their risk level. The VCS members of the RR3 emphasised this point at their most recent quarterly meeting in April 2012 and felt that the consultation document did not adequately address this issue and its practical implications. **There is a need for clarity in the processes whereby offenders move between risk levels and clear protocols to enable risk to be reviewed and properly managed in terms of escalation and de-escalation.**

Some of these issues could be overcome by ‘co-location’ of staff in either probation offices or in partnership agencies, and by joint training of probation and VCS staff. Effective partnership working, whether between commissioned partners or in a more informal context, requires significant skill and knowledge and there is scope for a training programme which addresses this area of practice.

One of the identified obstacles to effective partnership working is the increased levels of commercial competition. Given that the consultation document promotes the feasibility of probation delivery organisations (separate service delivery companies or employee mutuals), VCS partners could find themselves competing with probation colleagues for significant areas of service delivery. This may act against a willingness to allow access to internal organisational information. **The Ministry of Justice should ensure that Commissioners develop the market in ways that support effective partnership working and address potential barriers and conflicts between agencies in both sectors.**

High risk and the VCS

The consultation document focuses on the opportunities for the VCS in delivering services to low risk offenders. However, there are a number of VCS organisations, with both lengthy track records

⁶ For more detailed recommendations on payment by results, please see: L. Frazer and C. Hayes. 2011. *Competition, Commissioning and the VCS*. Online: <http://www.clinks.org/assets/files/PDFs/RRSAG/RR3%20Competition,%20Commissioning%20and%20the%20VCS.pdf>

and expertise in delivering services to offenders at higher risk, who call for that market to be more open to competition. RR3's VCS members also highlighted this as an issue requiring attention in their April meeting. There are currently a range of services where the Sector has a key role working in partnership with the Probation Service to manage high risk offenders, for example in the management of sex offenders. Indeed, there are many VCS providers of Supported Accommodation that manage very vulnerable and potentially violent offenders, including those at the very high risk end of spectrum. In 2010, the Ministry of Justice published guidance for the VCS on the management of high risk offenders, largely in recognition of the considerable amount of work undertaken by the VCS in this area.⁷

The Ministry of Justice should develop policy informing the appropriate role of the VCS in delivering services to high risk offenders, building on the published guidance, and ensuring that this is reflected in commissioning priorities. Consideration should also be given to opening up competition for the delivery of probation services to higher risk offenders.

Models of change

It is clear from the consultation document that 'punishment' will be a consistent strand in the delivery of community sentences. VCS participants at the consultation events acknowledged the importance of offenders being held accountable for their behaviour and reducing re-offending as a key objective in sentencing. However, there was concern expressed that effective probation practice should not be focused only on punishment but enabling the service user to make reparation by turning their lives around. Additionally, contractual requirements may not provide scope for achieving interim measures (distance travelled) or demonstrating the quality of support provided. This may undermine the benefits to be gained from the current programme of research and training on desistance commissioned by the Ministry of Justice. One of the key themes emerging from this work is the importance of responding flexibly and creatively to the uneven journey to a crime free life. Desistance also identifies the importance of family and peer relationships as supportive of change away from criminality, as well as the often complex processes informing a change in self-identification. These issues are not easily captured in straightforward outcome focussed approaches to working with offenders and measuring success. However, they relate quite closely to the kinds of approaches and values embodied by many VCS organisations and services.

To achieve the overall outcome of reduced reoffending, Commissioners must acknowledge and reward a range of contributing interventions known from research to support desistance. There needs to be scope for different organisations to engage with different elements of the measures put in place; so that the punitive aspects form only one strand of the sentence, and providers can make their assessments of where their involvement will be most productive.

Women offenders

The consultation document states that the funding of women's services will be devolved to Probation Trusts, and that central government will be asking Trusts to specifically demonstrate how they will ensure that the needs of women offenders are being met in their area. There are obvious benefits from arrangements that enhance local commissioning of services for women offenders as this provides greater flexibility and the potential for bringing to bear local knowledge of this part of the Sector. It also facilitates co-commissioning across local authority area agencies including housing, health, education and support for families; thus bringing together the constellation of services that vulnerable women need to re-establish themselves in the community.

⁷ Ministry of Justice. 2010. *Guidance for the Voluntary and Community Sector: Working with NOMS to Manage the Risk of Serious Harm*. Online: [http://www.clinks.org/assets/files/NOMS-RiskofHarmGuidance-Oct10\(v2\)-web.pdf](http://www.clinks.org/assets/files/NOMS-RiskofHarmGuidance-Oct10(v2)-web.pdf)

Nevertheless there are anxieties based on the varying levels of commitment to meeting the specific needs of women offenders around the country. Women account for a small proportion of probation caseloads and generally represent a low risk in relation to public protection. **Additionally, given the uncertainties regarding the shape of women's services across the 35 Probation Trusts, we recommend ring-fencing the devolved women's funding from the centre for a period of two years in order to mitigate the potential risks that there may be to what is still a fragile part of the VCS landscape.**

As recommended by the recent RR3 Task & Finish paper on 'Breaking the Cycle of Women's Offending: A System Re-design', there is considerable merit in using this period to develop one or more justice reinvestment pilots bringing together local statutory and VCS organisations to co-commission services for vulnerable women and girls.⁸ Any identified cost savings to criminal justice, health, and social care agencies could be reinvested in further developing community provision.

More broadly, the recent Criminal Justice Joint Thematic Inspection report on the use of alternatives to custody for women offenders indicates the general lack of specialist knowledge by criminal justice professionals for dealing with individual women and the erratic nature of referrals to Women's Community Centres.⁹ The RR3 Task & Finish paper includes a detailed range of recommendations on providing a more gender sensitive approach.

Diversity

The Probation Review refers briefly to a PBR pilot in Wales which involves commissioning services for Black, Asian and and Minority Ethnic (BAME) offenders but is otherwise silent on the needs of diverse groups other than women. It is vital that other groups of service users are properly considered within devolved commissioning arrangements; for example the needs of older, disabled and foreign national service users could be at risk of further marginalisation where they are low in number at the local level.

The expansion of providers of Probation Services through commissioning provides a unique opportunity to make a significant change in the delivery landscape for BAME offenders. The persistence of direct and indirect racism in the Criminal Justice System needs urgently to be addressed. This is an area where the Probation Service is well placed to have influence through its commissioning role. Research commissioned by Clinks into the resettlement needs and experiences of BAME service users highlighted that service providers must display an understanding and sensitivity towards cultural difference and address the impact of perceptions of discrimination and stereotyping within the CJS and wider society.¹⁰

The BAME VCS has the experience and local knowledge which is crucial to engage the BAME community including offenders. In those areas with large BAME communities there is scope for commissioning specialist services for this group. In other areas it should be possible to employ the imaginative use of smaller grants to procure services for BAME offenders who continue to be disproportionately represented in the Criminal Justice System.

⁸ C. Hayes and L. Frazer. 2012. *A report of the Task & Finish. Breaking the Cycle of Women's offending: A System Redesign*. Online: <http://www.clinks.org/assets/files/PDFs/RRTSAG/RR3%20Paper%20on%20Women%20-%20FINAL%20-%20EMBARGOED.pdf>

⁹ Criminal Justice Joint Inspection. 2011. *Thematic Inspection Report: Equal but different? An inspection of alternatives to custody for women offenders*. Online: <http://www.justice.gov.uk/downloads/publications/hmiprob/adult-inspection-reports/jointthematic/womens-thematic-alternatives-to-custody-2011.pdf>

¹⁰ J. Jacobson, C. Philips and K. Edgar. 2010. *'Double Trouble'? Black, Asian and Minority Ethnic Offenders' experiences of resettlement*. Online: <http://www.clinks.org/publications/reports/double-trouble>.

The Ministry of Justice should specifically require Probation Trusts to demonstrate how they are providing for the needs of BAME offenders and other equalities groups in their areas.

supporting voluntary organisations that work with offenders and their families

VCS and user voice

The degree to which offenders and ex-offenders have a voice in the design and delivery of criminal justice services is under-developed. Health and Social Care, for instance, engage users to a much greater extent in shaping services. The criminal justice VCS has a long tradition of involving service users who, if given appropriate support, are able to identify specifically the kinds of services and interventions that have made a difference to their lives.

Clinks have worked together with NOMS in the past 12 months to research the extent to which offenders and former offenders are involved in designing and delivering criminal justice services, and this has led on to the commissioning of further research to look at this issue in more detail with a number of identified prisons and probation areas. Clinks has also worked with partners to develop guidance on service user involvement projects and delivering peer-to-peer services.¹¹

We recommend that NOMS incentivise providers bidding to deliver services to demonstrate how they are incorporating the 'user voice' in their services. Additionally, commissioning Probation Trusts should be required to show how their processes have been informed by the views of offenders and former offenders.

SEE OVER FOR A FULL LIST OF RECOMMENDATIONS

¹¹ Both available to download from: http://www.clinks.org/publications/guides-resources/vol_guides

Recommendations

1. Given that the measures outlined in the Probation Review will necessarily take some time to evolve and to be implemented, there is a compelling case for some form of interim strategic funding support for this part of the Sector. The government should identify an effective mechanism to provide some form of transitional funding to bridge the gap between the introduction of the proposed reforms and the anticipated investment resulting from enhanced role of the VCS in delivering probation services.
2. A tiered commissioning model should be designed clearly identifying which services will be commissioned at various levels. Training should be provided to local probation commissioners to enable them to act effectively in this capacity, with technical support from higher levels.
3. Where large scale commissioning is envisaged through 'Super Probation Trusts', it will be especially important for MoJ/NOMS to make effective arrangements for proper governance of supply chains. VCS organisations will also require time and support to develop / participate in robust consortium arrangements, in advance of policy implementation.
4. Probation Trusts in their commissioning roles will need to ensure that there is scope for devolving a proportion of their budgets to fund / jointly commission small scale very local initiatives.
5. Commissioners will need to identify mechanisms for future strategic probation engagement with the Sector that retains a focus on the Local Delivery Unit area, as well as at the PCC and Super Trust level, if these options are pursued.
6. The payment by results approach should facilitate participation from a range of providers, including the VCS as a key strategic and delivery partner. The service fee (delivery fee) in payment by results contracts should be available up front, with 10 – 30% of the contract at risk.

7. The Ministry of Justice should ensure that Commissioners develop the market in ways that support effective partnership working and address potential barriers and conflicts between agencies in the public and voluntary sectors.
8. There is a need for clarity in the processes whereby offenders move between risk levels and clear protocols to enable risk to be reviewed and properly managed in terms of escalation and de-escalation.
9. The Ministry of Justice should develop policy informing the appropriate role of the VCS in delivering services to high risk offenders, building on the published guidance, and ensuring that this is reflected in commissioning priorities. Consideration should also be given to opening up competition for the delivery of probation services to higher risk offenders.
10. To achieve the overall outcome of reduced reoffending, Commissioners must acknowledge and reward a range of contributing interventions known from research to support desistance. There needs to be scope for different organisations to engage with different elements of the measures put in place; so that the punitive aspects form only one strand of the sentence, and providers can make their assessments of where their involvement will be most productive.
11. Given the uncertainties regarding the shape of women's services across the 35 Probation Trusts, we recommend ring-fencing the devolved women's funding from the centre for a period of two years in order to mitigate the potential risks that there may be to what is still a fragile part of the VCS landscape.
12. The Ministry of Justice should specifically require Probation Trusts to demonstrate how they are providing for the needs of BAME offenders and other equalities groups in their areas.
13. We recommend that NOMS incentivise providers bidding to deliver services to demonstrate how they are incorporating the 'user voice' in their services. Additionally, commissioning Probation Trusts should be required to show how their processes have been informed by the views of offenders and former offenders.

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