

July 2016



CLINKS  
RESPONSE

# Clinks, NCVO and TSRC response to the Public Accounts Committee (PAC) inquiry into Transforming Rehabilitation

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## About this response

Clinks is the national infrastructure organisation supporting voluntary sector organisations working with offenders and their families. Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of offenders and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 600 members including the voluntary sector's largest providers as well as its smallest, and our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts, which include individuals and agencies with an interest in the Criminal Justice System (CJS) and the role of the voluntary sector in the resettlement and rehabilitation of offenders.

This response was submitted by Clinks in partnership with the National Council for Voluntary Organisations (NCVO) and the Third Sector Research Centre (TSRC) based at the University of Birmingham. NCVO champions the voluntary sector and volunteering. Inspired and empowered by their 12,000 members, they connect, represent and support voluntary organisations, from the smallest community groups to the largest charities. TSRC works to enhance knowledge through independent and critical research; in collaboration with practitioners, policy makers, and other academics, it explores the key issues affecting charities and voluntary organisations, community groups, social enterprises, co-operatives and mutuals.



supporting voluntary organisations that  
work with offenders and their families

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## Introduction

The role of the voluntary sector has been central to the Government's promotion of the Transforming Rehabilitation reforms. When the new Community Rehabilitation Companies were announced, the Ministry of Justice (MoJ) stated that, "75% of the 300 subcontractors named in the successful bids are voluntary sector or mutual organisations."<sup>1</sup>

Clinks, NCVO and TSRC welcome the opportunity to engage with this important inquiry. We have extensive up-to-date evidence from the voluntary sector about their engagement in and experiences of Transforming Rehabilitation through our TrackTR project. This has captured unique evidence from two surveys with



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a combined response rate of over 300, a consultation event in January 2016 with over 90 voluntary organisations, and in depth conversations with providers and policy makers including Community Rehabilitation Companies (CRCs), the National Probation Service (NPS) and relevant government departments and agencies. These have led to a number of key findings and recommendations presented in two publications, *'Early doors'*<sup>2</sup> (August 2015) and *'Change and challenge'*<sup>3</sup> (May 2016). Furthermore Clinks has continued to talk to voluntary sector organisations throughout England and Wales to inform our submission. We believe these findings will be of interest to the Public Accounts Committee.

## Executive summary

Throughout this submission we highlight key findings from our research and make a series of recommendations. These are summarised below.

- The pace of change has been slow which has had a negative impact on investment in the voluntary sector, and left many crucial rehabilitation and resettlement services vulnerable to closure.
- The Transforming Rehabilitation reforms have thus far not succeeded in delivering a diverse and varied supply chain of voluntary sector organisations to support rehabilitation and resettlement services, especially smaller community-based organisations.
- The poor quality of communication between new probation services and the voluntary sector is unnecessarily damaging relations and impeding the development of better services.
- The NPS's interaction with the voluntary sector appears to be incredibly low, possibly due in part to the rate card system which stipulates that the NPS purchases services from the CRC's supply chain.
- Although some services remain unchanged, very few voluntary sector organisations are reporting an improvement in probation services. In many cases these organisations are reporting a slight downturn in the quality of service available, leading to negative experiences and outcomes for services users.
- Reports of difficulties in sustaining many voluntary sector services that support the resettlement and rehabilitation of those in the Criminal Justice System, as well as their families, should be recognised and acted upon, especially for smaller, more local voluntary sector organisations.

## Our response

The voluntary sector's role in new probation services appears to be very limited and potentially at risk, especially those organisations that have not managed to negotiate a role as a contracted provider of either a CRC or the NPS. The National Audit Office report published in 2016 into Transforming Rehabilitation raised a similar point, stating that: 'Although the Ministry put extensive effort into attracting voluntary sector bidders, these largely lost out to private sector contractors when bidding to lead CRCs, due to their more limited resources and appetite for risk. The voluntary bodies still have a major role as suppliers to CRCs, although recent surveys of the sector indicate increased uncertainty and instability in funding of their work with offenders. Similarly, the Ministry has identified gaps in provision, which it and CRCs will need to address.'<sup>4</sup>

As part of the same report the National Audit Office recommended that the National Offender Management Service (NOMS) should combine its ongoing analysis of the CRC supply chain with

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feedback from voluntary organisations to identify and address gaps in provision in consultation with CRCs. Clinks, NCVO and TSRC support this recommendation and would advise that the same advice is extended to services purchased by the NPS, whether through the rate card supplied by the CRC or through other contracting and commissioning mechanisms.

Throughout this submission we have made a series of recommendations which we are confident, if implemented, would support the improvement of probation services, produce better outcomes for service users and the wider public, and develop a better relationship between the voluntary sector, CRCs and the NPS. We have summarised our response into broad headings below. The recommendations are clearly labelled.

## **1. The pace of change is slow**

The changes to probation services are taking a long time to embed. Given the scale of reform this is not entirely surprising but the pace of change has still been much slower than many anticipated. This is reported to be curbing investment in the voluntary sector's rehabilitation and resettlement services, meaning that services run by the voluntary sector are vulnerable and at a greater risk of closure.

***"At present things seem to be in a state of flux. The changeover has created a period when local partnerships lay dormant."***

*Survey respondent*

Although the majority of voluntary organisations we spoke to felt that it was too early to tell what the impact of Transforming Rehabilitation had been, many still reported significant changes that were affecting their ability to deliver services effectively. Many organisations reported that a lack of transparency as to what CRCs and the NPS were delivering was causing other funders, such as local authorities (around housing) or charitable trusts and foundations, to hesitate or even disinvest from rehabilitation and resettlement services.

***"... it is early days for TR implementation but ... there seems to be a lack of knowledge about the services available via TR providers, lack of staff to deliver the services, lack of willingness to engage with other organisations to work collaboratively."***

*Survey respondent*

The voluntary sector has also reported that the competitive environment within which services are being tendered from the marketplace of various providers is causing some organisations to retreat from previously fruitful collaborations. This trend was compounded by a lack of transparency as to what services would be commissioned locally (and what might not), as well as a lack of clear information about who was delivering which services. Increased transparency would help to inform providers and commissioners as to what new probation providers are likely to deliver, and who will deliver it. This information would also be vitally important to service users and their families so that they can know what support is available.

**Recommendation 1: Publish the commissioning intentions of CRCs and the NPS** – CRCs and the NPS should publish annual commissioning intentions, in order to make clear to all relevant stakeholders what services they intend to commission from external providers, whether through grants or contracts, including timescales where possible. This will allow the voluntary sector to plan strategically for the future and support other stakeholders to understand what services CRCs and the NPS plan to invest in.

## **2. Voluntary sector involvement in supply chains appears low**

The MoJ reported that there were at least 225 voluntary sector organisations in supply chains.<sup>5</sup> Although some of those organisations may not have replied to our TrackTR survey, we found only 35 organisations who were funded by the CRC to be in the supply chain. We believe that voluntary sector organisations have a vital role to play in supporting better outcomes from probation services, but it does not appear they are having the involvement in Transforming Rehabilitation that the MoJ had first envisaged.

The organisations that are in supply chains are disproportionately larger voluntary sector organisations, with very few smaller or medium-sized organisations represented. We found that 40% of organisations in CRC supply chains defined themselves as a tier two provider, or someone who is providing services on a large scale to a CRC. The same organisations were 2.5 times more likely to have an income of over £5 million per year compared to voluntary sector organisations outside the supply chain, and they were almost four times less likely have an income of under £100,000.

***“We have been told the premise of TR was the meaningful involvement of small and local [voluntary sector] organisations. In reality, the exact opposite to that has happened.”***

*Survey respondent*

Research into the shape and size of the voluntary sector conducted by NCVO and compiled into the UK Civil Society Almanac suggests that of the 160,045 charities registered in the UK, just over 83% are micro or small organisations with an income of £100,000 or less.<sup>6</sup> The TrackTR survey showed that those with an income of £100,000 or less made up only 6% of the organisations that are funded by CRCs. Clinks' 2016 'State of the sector' report found that 81% of respondents had an income of less than £1 million, yet the TrackTR survey found that of the voluntary organisations funded by CRCs, 56% had an income of over £1 million.<sup>7</sup>

Comparing the income of the organisations that receive funding through CRCs against the income of the wider voluntary sector helps us to see that the voluntary organisations which have got funding from CRCs are disproportionately larger. This raises questions about the extent to which the majority of the voluntary sector, who are much smaller in size, have been able to engage with new probation services delivered by CRCs. Our data suggests that they have not, as of yet, been able to engage with CRCs in any substantial way.

70% of voluntary organisations that are being funded through CRC supply chains tell us that they are delivering pre-existing services that were delivered under former Probation Trusts. This raises the question of whether we are seeing a genuine transformation of probation services.

***“We receive requests EVERY day from contractors to send us the people they are mentoring ... There seems to be a complete lack of understanding that our work needs funding like everybody else.”***

*Survey respondent*

The contribution of voluntary sector organisations outside of supply chains to rehabilitation and resettlement outcomes is likely to be considerable. Half the voluntary organisations outside of supply chains still receive and accept referrals from CRCs and the NPS, whilst over two thirds receive referrals directly from prisons. This means that the outcomes for probation services are likely to be impacted by the good health and sustainability, or otherwise, of a diverse voluntary sector. The majority of these organisations are smaller

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in size and do not often lend themselves well to large scale tendering exercises such as that conducted to transform probation services. They are also less likely to be able to endure significant changes in funding and/or restructure of public services, whilst they may provide specialist services that contribute to a reduction in re-offending.

**Recommendation 2: Provide total transparency of supply chain partners** – CRCs and the NPS should publish, ideally on a quarterly basis, full details of their supply chains, including: the names and company/charity numbers of tier two and three providers; the amount of funding passed down to sub-contractors; a summary of the service being provided; and where appropriate the contribution that these organisation have made to Key Performance Indicators (KPIs).

**Recommendation 3: Support small voluntary organisations** – The NPS and each CRC should publish an annual strategy and action plan setting out how they will effectively engage smaller organisations in the delivery of services for people under probation supervision.

### **3. Poor communication between probation services and the voluntary sector is damaging local relationships**

The voluntary sector's relationships with CRCs and the NPS are being negatively affected by a lack of communication about future strategy, service development and commissioning opportunities. Furthermore, many voluntary organisations report a mixture of confusion and uncertainty about what services are being offered through CRCs and the NPS.

A significant number of respondents to our survey reported limited or no communication from CRCs despite attempts to make contact and earlier promises of joint working. In many cases this included organisations that were either named in bids, or were given the impression that they would be part of the CRC's supply chain. Similar issues of not being able to contact NPS staff at a strategic level were raised, and this was often reported to be because of ongoing re-structuring and re-organisation, as well as the national centralised nature of the NPS.

***“Before TR we worked hand in glove with the Probation Service. Since TR we have very little (almost none) direct contact with senior CRC managers. We are left to ‘paddle our own canoe’. Communication is a one way street.”***

*Survey respondent*

Despite this voluntary organisations did report that they still had good relations with CRC and NPS staff at an operational level. 73% of respondents said they had a good or very good relationship with prisons, although some respondents said they felt services had been affected by recent staff shortages, prison restructuring, and prisons having limited or no available budget to purchase or commission services from the voluntary sector.

**Recommendation 4: Support communication and engagement with the voluntary sector** – NOMS should support significant improvements in the way CRCs and the NPS communicate and engage with the voluntary sector; with the aim of improving local relationships, partnerships and services. This should be achieved by working jointly with the NPS, CRCs, and voluntary sector representatives to produce a practical toolkit and any necessary training to deliver it.

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#### **4. The NPS needs to work more effectively with the voluntary sector**

Only one organisation responding to our survey had a direct funding relationship with the NPS, however, we know that voluntary sector organisations work with and support high risk offenders that the NPS manage as the survey also highlighted that many organisations still have a working relationship with operational NPS staff.

***“It’s still difficult to get any joint working or partnership working discussions started as budgets and other significant factors aren’t clear yet. My point of contact doesn’t want to waste our time until they understand their own organisational position.”***

*Survey respondent*

We are aware that the NPS has undergone significant change as a part of their national change programme ‘E3’ (effectiveness, efficiency and excellence). We are aware that budget constraints may pose very real limitations on what the NPS is able to commission from the voluntary sector.

In our discussions with voluntary sector organisations we heard that the ‘rate card’ system limits strategic engagement with the voluntary sector, restricts collaboration as well as innovation and increases the cost of services to the NPS. The NPS is required to purchase services through the ‘rate card’ produced by CRCs. This essentially limits the NPS to purchasing services that are listed by individual CRCs, including services that CRC-staff run themselves as well as services delivered by sub-contracted providers from the voluntary sector. Voluntary sector organisations felt that the way the system is currently designed, with the NPS required to access the market in this way, creates an unhelpful barrier between the NPS and local or specialist providers from the voluntary sector.

Voluntary organisations also questioned whether the NPS was getting value for money, because it was having to pay transaction fees to CRCs in order to purchase their services through the rate card. This could mean that the NPS is paying above market rate for voluntary sector services that they may otherwise be able to purchase at a cheaper rate if they were able to have a direct relationship with the voluntary sector.

As services begin to settle and the E3 programme concludes, the NPS may have an opportunity to review its engagement with the voluntary sector. This should include discussions about the NPS’ commissioning framework for 2017-18, whether changes are needed to the rate card system and how services for high risk offenders could be developed in a more collaborative way with voluntary sector organisations. The NPS needs to be able to purchase appropriate services, and ensure value for money by having a direct relationship with providers.

**Recommendation 5: Enable the NPS to engage with the voluntary sector** – The NPS should be allowed and encouraged to work directly with the voluntary sector to develop services for offenders that pose a high risk of harm to the public. The current ‘rate card’ system needs to be reviewed so that the NPS can have a greater role in co-designing and, in some instances, commissioning specialist services for high risk offenders.

## **5. The quality of services and the outcomes for service users require close monitoring**

Most voluntary sector organisations could not say whether Transforming Rehabilitation (TR) had negatively or positively impacted on services or service users, possibly because the transition to new approaches is still underway. However, those that had seen a change were more likely to report it as negative rather than positive; in some cases considerably more likely.

***“Service user feedback has not been positive and the promised Resettlement and Through the Gate support is ad-hoc and patchy and not meeting needs as intended.”***

*Survey respondent*

On average only 6% of respondents in our survey had seen an improvement in services for specific groups, whilst 14% indicate that TR has worsened services. There were particular service users which were reported as more likely to be experiencing a worsening of service delivery under TR, these are listed below.

- Offenders, ex-offenders and their families (49% worsened, 9% improved)
- men (40% worsened, 10% improved)
- women (31% worsened, 11% improved)
- homeless people (36% worsened, 6% improved)
- people with addiction problems (33% worsened, 8% improved)
- people with mental health needs (29% worsened, 9% improved)
- people with a particular financial need (27% worsened, 7% improved)
- Black, Asian and minority ethnic people (25% worsened, 5% improved).

Our survey highlighted that only three in ten organisations funded by CRCs to deliver services in supply chains felt that the level of funding they received allowed them to deliver a high quality service. This brings into question whether those organisations delivering services contracted by CRCs are able to deliver the best possible outcomes for people on probation license.

***“... if you're going to have a Gold Service available in all areas, you've got to put the investment in. However, they've (CRC) taken the same budget that they gave to two women's centres, spread it out between five women's centres, and asked those five centres to cover larger geographical areas as well. They wanted us to work with about a third more women than we were working with for less money.”***

*Joy Doal, CEO, Anawim Women's Centre*

Clinks has spoken in depth to a number of women's organisations since the restructure of probation services under TR, supplementary to the TrackTR survey and reports. Clinks runs a women's reference group that supports the Reducing Reoffending Third Sector Advisory Group (RR3) which provides direct advice to the MoJ and NOMS.<sup>8</sup> The reference group also informs Clinks' contribution to the Advisory Board for Female Offenders which is a board established by the MoJ to take forward its strategic objectives relating to women in contact with the CJS.<sup>9</sup> We have published recent case studies of the Nelson Trust women's centre in Gloucester and Swindon, and the women's centre run by Anawim in Birmingham.<sup>10</sup> These forums and case studies have highlighted that women's organisations rarely feel able to deliver the high quality of service that they want to, with the possible impact of worsening the outcomes for women in the justice system. The case study of Anawim women's centre explains how the organisation has turned down the contract offered to them by the CRC because they do not believe the amount



of funding would allow them to offer a quality service. Furthermore, they do not believe that the service specification drawn up by the CRC follows best practice based on current evidence.

Some organisations have reported a 'narrowing' of services, with changes in some areas from one-to-one support to more group work, and from more flexible person-centred approaches to a more process driven or 'box ticking' arrangement. Some reported that this could be particularly damaging for service users with multiple needs or chaotic lifestyles.

Guidance on supporting people with multiple needs has been provided by Making Every Adult Matter (MEAM), a coalition of Clinks, Homeless Link and Mind, formed to improve policy and services for people facing multiple needs (a combination of homelessness, mental ill health, substance misuse and contact with the CJS). The 'MEAM approach' offers valuable insights into the necessity of a multi-agency, joined up approach to supporting people with multiple needs, which provides long-term support to individuals. Probation services could model interventions on some of the learning from this approach.<sup>11</sup>

Clinks also believes that there are considerable issues to be addressed in regards to the accommodation of people in the justice system, especially those being resettled from prison. For further information we would refer you to the recent joint Clinks and Homeless Link response to the Work and Pensions Select Committee inquiry into support for ex-offenders which covered accommodation, education, benefits and employment support for people both in and leaving prison.<sup>12</sup>

We acknowledge that this response has not been able to draw on evidence from service user feedback. The work commissioned by the National Audit Office from User Voice to provide service user's views into their report on Transforming Rehabilitation is a useful resource, and highlights further still that very little transformation of services has been observed. It also highlights possible gaps in service provision, such as accommodation support. We believe that routine service user involvement (including family members) in the design, delivery, and feedback on services will be essential if we are to fully understand the impact of new probation services on people in contact with the justice system.

**Recommendation 6: Closely monitor and assess the quality of services** – NOMS and Her Majesty's Probation Inspectorate should closely monitor the quality of commissioned services against existing evidence of good practice, working directly with specialist voluntary organisations to contribute evidence of good and poor practice. This should include specialist services, for example, those for vulnerable women, BAME communities, and families affected by imprisonment. This should also include an increase in service user involvement to assess their views on the quality of probation services.

## **6. There is anxiety about current and future funding and sustainability**

Although most voluntary sector organisations report that their funding for rehabilitation and resettlement services hasn't been impacted as of yet, there is growing anxiety amongst the organisations we surveyed and consulted about the sustainability of services. We believe that this situation needs close monitoring.

***"We expected some contractual work to have been secured but nothing came to fruition. We need to reassess our business plan and strategic vision."***

*Survey respondent*



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The most frequent reasons given for a lack of sustainability in voluntary sector rehabilitation and resettlement services were:

- Large single-funder grants that are coming to an end
- a limited range of funding streams for rehabilitation and resettlement work, leading organisations to rely heavily on a small number of funders
- lack of full cost recovery leading to the need for services to be subsidised
- increasing demand on services and reliance on volunteers due to staff shortages
- cuts to existing funding streams
- uncertainty as to whether they can or will access funding from CRCs or the NPS.

According to our analysis, voluntary sector organisations outside of CRC supply chains were more likely to report that their services are unsustainable. Nearly three fifths believe their funding is unsustainable, compared with a third of CRC-funded organisations.

The organisations outside of the supply chain are often smaller organisations, yet deliver essential services such as employment and training support, education, accommodation, support for families, arts interventions, and support the rehabilitation and resettlement of people who pose a high risk of harm to the public. These organisations receive a high volume of referrals from CRCs, the NPS, and prisons. Their funding comes from a variety of sources, but very little from CRCs, the NPS, the MoJ or NOMS. The two most frequently mentioned funders of these services are charitable trusts and foundations and local authorities. 77% of the organisations outside of the supply chain told us that they thought their services should be funded by CRCs or the NPS.

***“Transforming Rehabilitation has been seen by some local authorities and Police and Crime Commissioners as providing an answer to their own budget difficulties, with at least one county council citing this as a reason for withdrawing funding for homeless offenders.”***

*Survey respondent*

Organisations reported that a lack of information about what services the CRCs and NPS are commissioning and/or delivering is putting other funding sources at risk, particularly local authorities and independent charitable funders. Voluntary organisations that reported a change in their ability to access funding from other sources were significantly more likely to report a negative impact. Only 3% of organisations felt that Transforming Rehabilitation had positively affected their ability to access funding from other sources, whilst 32% felt it had negatively or very negatively affected their ability to do so.

***“Because our commissioners are also unable to get a clear picture from the CRC they have simply cut our funding in line with their own budget cuts. Over the next few months ... we fear we will lose the majority of LA funding.”***

*Survey respondent*

All of this suggests that there is a degree of volatility and concern around sustainability amongst voluntary sector organisations working alongside new probation services, particularly those outside of CRC supply chains. These organisations, who also tend to be smaller in size, may be experiencing more challenges in securing longer-term sustainability than those who are funded by CRCs. However, the sector as a whole requires support during this large scale transition to new probation services.



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**Recommendation 7: Support the sustainability of rehabilitation and resettlement services** – The MoJ should support a co-produced review into the voluntary sector’s ongoing role in rehabilitation and resettlement services; learning from the process and outcome of the ‘Joint review of partnerships and investment in voluntary, community and social enterprise organisations in the health and care sector’<sup>12</sup> supported by the Department of Health, NHS England and Public Health England.



**Clinks supports, represents and campaigns for the voluntary sector working with offenders. Clinks aims to ensure the sector and all those with whom they work, are informed and engaged in order to transform the lives of offenders.**

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### Notes

1. Ministry of Justice press release [www.gov.uk/government/news/voluntary-sector-at-forefront-of-new-fight-against-reoffending](http://www.gov.uk/government/news/voluntary-sector-at-forefront-of-new-fight-against-reoffending)
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3. Clinks, NCVO, TSRC (2016) *Change & challenge: The voluntary sector's role in Transforming Rehabilitation*, Online: [www.clinks.org/resources-reports/change-challenge-voluntary-sector-role-transforming-rehabilitation](http://www.clinks.org/resources-reports/change-challenge-voluntary-sector-role-transforming-rehabilitation) (last accessed 22.06.2016)
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6. NCVO, *UK Civil Society Almanac* (2016), <https://data.ncvo.org.uk> (last accessed 22.06.2016)
7. Clinks (2016), *State of the Sector: Key trends for voluntary sector organisations working with offenders and their families*, [www.clinks.org/eco-downturn](http://www.clinks.org/eco-downturn) (last accessed 22.06.2016)
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9. Advisory Board for Female Offenders, [www.gov.uk/government/groups/advisory-board-for-female-offenders](http://www.gov.uk/government/groups/advisory-board-for-female-offenders) (last accessed 22.06.2016 - note: web page content is not up to date)
10. Clinks (2016) Nelson Trust & Anawim Women's Centre case studies, [www.clinks.org/resources-case-studies/working-women](http://www.clinks.org/resources-case-studies/working-women) (last accessed 22.06.2016)
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12. Clinks and Homeless Link (2016), *Response to the Work and Pensions Committee inquiry into support for ex-offenders*, [www.clinks.org/sites/default/files/basic/files-downloads/work\\_and\\_pensions\\_select\\_committee\\_response\\_april\\_2016\\_final.pdf](http://www.clinks.org/sites/default/files/basic/files-downloads/work_and_pensions_select_committee_response_april_2016_final.pdf)
13. To find out more about the VCSE review visit: [www.vcsereview.org.uk](http://www.vcsereview.org.uk) (last accessed 22.06.2016)