Strengthening Probation, Building Confidence

Market engagement launch events

August 2018

Protecting and advancing the principles of justice
Introduction
What is probation?

Probation services were developed by courts in the 19th century to ‘advise, assist and befriend’ offenders. In the 20th century a professionalised service developed rooted in a social work tradition.

From the 1980s probation policy has increasingly stressed the importance of enforcement, public protection and punishment alongside rehabilitation.

Probation services work with individuals given community and suspended sentences, and those in custody or being supervised after release.
Why is probation important?

The Government has a responsibility to deliver a criminal justice system that protects the public, punishes those who have broken the law in a meaningful, proportionate way, and supports offenders to turn away from crime.

Well-functioning probation services are integral to this.

Key responsibilities of the probation system include:

- Provide advice to courts so that sentences can better reflect the often-complex factors at play in an offender’s circumstances.
- Manage the ever-changing risk profile of those in their care, and determine appropriate interventions to support rehabilitation.
- Make sure that those they supervise fulfil the conditions of community sentences, suspended sentences, and licence conditions.
The Offender Rehabilitation Act 2014 extended post-release supervision to offenders sentenced to custody for less than two years.

Now all offenders receive at least 12 months supervision and support after release from prison – previously offenders serving custodial sentences of less than 12 months were released without any support from probation.

This means that the probation caseload increased.

The Offender Management Act 2007 imposed a duty on the Secretary of State to ensure that “sufficient provision” is made for probation services – but the Secretary of State has flexibility in how these services are provided.

The 2007 Act defines the aims of probation as:

a) the protection of the public;

b) the reduction of re-offending;

c) the proper punishment of offenders;

d) ensuring offenders’ awareness of the effects of crime on the victims of crimes and the public; and

e) the rehabilitation of offenders.

As with all public bodies, probation services must comply with the Equality Act 2010. This means they must pay due regard to the need to:

• eliminate discrimination;
• advance equality of opportunity;
• foster good relations between different people when carrying out their activities.
Characteristics of offenders

Those who commit crimes often have **complex, multiple needs** which contribute to their offending behaviour. Probation services help to address these.

*Proportion of offenders supervised in the community with identified criminogenic needs, 30 June 2017*

- **Accommodation**: Women 32%, Men 37%
- **Employability**: Women 44%, Men 51%
- **Relationships**: Women 60%, Men 72%
- **Lifestyle & associates**: Women 62%, Men 64%
- **Drug misuse**: Women 33%, Men 37%
- **Alcohol misuse**: Women 20%, Men 26%
- **Thinking & behaviour**: Women 53%, Men 59%
- **Attitudes**: Women 52%, Men 59%

*These figures exclude women and men without a valid OASys assessment or needs data at this point in time.*
The challenge of reducing reoffending

- **33.5%** – proven reoffending rate for adults starting a community or suspended sentence order.
- **48.9%** – proven reoffending rate for adults released from custody.
- **64.9%** – proven reoffending rate for adults released from custodial sentences of less than 12 months.

- For those individuals who do reoffend, the average number of reoffences over a 12-month period is now around **four** – in 2009 it was around three.
- Offenders with **11** or more previous offences make up around **40%** of all adult offenders, but commit almost **80%** of all adult proven reoffences.

Reoffending by those released from custody costs society around £15 billion per year.
The total annual probation caseload is currently **263,000**.
Wider strategic context

There are a number of significant areas of change and reform underway in the justice system, which will impact on the work of probation services.

Prison Safety and Reform

We want to make prisons productive places of reform, hope and decency.

To achieve this we are addressing areas such as strengthening scrutiny, empowering governors, improving education, improving the estate and developing the workforce.

This should help offenders to be further into their rehabilitative journey by the time they reach probation, and provide opportunities to remove duplication between the prison and probation systems.

Court Reform and Modernisation

A programme of reform to ensure our highly regarded court and tribunal system keep pace with a changing world and remains accessible, straightforward and efficient.

Aspects of this programme include estate modernisation and making best use of technology.

This may change how probation staff interact with the courts, such as how and where they provide pre-sentence reports and how proceedings related to breach take place.
Wider strategic context

Race and Ethnicity

The Race Disparity Unit and, specifically for criminal justice, the Lammy Review focuses on the treatment of and outcomes for BAME individuals.

There are strong themes in the review about collecting and using data, improving practice for young adults and creating a diverse, inclusive workforce.

Findings relevant to probation services concern the effective commissioning of specialist services from the voluntary sector, and the effective collection and analysis by providers of data broken down by ethnicity.

Female Offender Strategy

A new strategy to break the cycle of female offending, released in June.

This sets out our intention to place community services at the heart of the Government's response and a commitment to divert the most vulnerable women in the criminal justice system away from custody.

This strategy announced a package of additional funding for women’s centres over the next two years, which will benefit those on probation, and the roll-out of trauma-informed training for probation staff working with female offenders.
The probation caseload and functions are split between the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs):

**The NPS** is responsible for managing higher-risk offenders, advising courts, allocating cases to CRCs, supporting victims and managing approved premises. It is organised into seven divisions.

**21 CRCs** are responsible for supervising low and medium-risk offenders and providing resettlement services to released prisoners.

**The NPS has a caseload of around 107,000**

**CRCs have a combined caseload of around 156,000**
Key successes

We now have a diverse range of providers delivering probation services.

Supervision and support has been extended to approximately 40,000 extra offenders each year who are released from short prison sentences.

HMI Probation has praised a number of NPS divisions for the quality of their work and has noted examples of CRC good practice, particularly the Cumbria and Lancashire CRC.

We have seen a reduction of two percentage points in the reoffending rates of those supervised by CRCs.

A number of CRCs have achieved efficiencies by sharing and streamlining back-office functions, and modernised office spaces.
Spend on CRC contracts

We assumed we would spend up to £3.7bn in total on CRC contracts that ran until 2022. We now intend to end contracts in 2020 and expect the total spend to be up to £2.2bn.

The operation of contracts has constrained our ability to fund CRCs to the right level. That has had an impact on CRC delivery and is why we are ending contracts early.

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**Notes:**

1. The chart shows assumed and forecast fee-for-service and payment-by-results income.

2. Current forecast is based on latest volumes and reoffending rates, and includes changes made to CRC contracts in 2017 and further changes proposed in the recent consultation.

3. Fee-for-service payments will end when contracts are terminated in 2020. During 2020/21 and 2021/22 CRCs will continue to receive payment-by-results income if they meet contractual targets on reoffending.
Operational challenges

CRCs have faced significant financial challenges following unforeseen changes in the volume and types of cases coming to court, and changes in the frequency of reoffending.

Many CRCs have not been able to develop their supply chains to the extent envisaged – this has affected which the voluntary sector has been involved in probation services.

Some members of the judiciary have expressed concerns about the delivery of sentences and a lack of information about some probation services – particularly Rehabilitation Activity Requirements.

Different operating models have seen some providers introduce remote supervision for some offenders – HMI Probation has expressed concern about the appropriateness of telephone contact.

The quality of Through-the-Gate services has not met expectations – offenders are often signposted to other services rather than being helped to overcome barriers to resettlement.

There has been less take up by the NPS of services provided by CRCs via the rate-card.
Immediate stabilisation

We are taking a number of steps to **stabilise the delivery** of current probation services over the next two years.

- We have agreed with our current providers that we will seek to **end CRC contracts earlier than anticipated**, in 2020 rather than 2022.

- We plan to invest an additional £22m a year to improve current **through-the-gate** provision and better support offenders to find accommodation, employment, and training on release from custody.

- We also want to introduce **minimum standards** specifying the form and frequency of contact between offenders and their responsible officer, so that all current providers offer face-to-face meetings with offenders at least monthly.
The consultation
We are consulting on the future of probation for an eight-week period, from the 27th July to 21st September. In his foreword to the consultation, the Secretary of State said:

“We want to see less reliance on ineffective short prison terms, and in order to achieve this courts must have confidence that probation services will deliver tough community sentences.

[...]

I believe that there is strength in this mixed market approach, with scope for a range of providers, including in the voluntary sector, to continue to bring fresh, innovative ideas to probation services.

[...]

I look forward to hearing the views of the many people and organisations with an interest in the delivery of these services, and your input will be used to introduce changes that strengthen our probation system and, in turn, help to break the cycle of reoffending.”
Our vision for the future of probation services

We want a probation system that the **public is reassured by**, that **judges and magistrates have confidence in**, and that delivers the **right balance** of proportionate punishment and rehabilitative support to offenders.

We think that a **mixed market** for the provision of probation services is still the best approach to improving outcomes for offenders and promoting innovation.

We want to **build and learn** from what has worked well so far, as well as what hasn’t, and need input from our all of our stakeholder groups to do this.

**Tailored support and rehabilitation services** for offenders, based on risk and need, with clearer minimum standards across providers, and more robust offender management practices.

**Strong collaboration with local partners**, including voluntary sector organisations, local authorities, and Police and Crime Commissioners.

**A diverse mixed market** of service providers, making the most of expertise from the public, private and voluntary sector.

**Increased judicial confidence**, with fewer short custodial sentences and more community sentences awarded.
Improving services for offenders

Tailored support and rehabilitation services for offenders, based on risk and need, with clearer minimum standards across providers, and more robust offender management practices.

- Introduce minimum standards specifying the form and frequency of contact between offenders and their responsible officer
- Improve the delivery of unpaid work and explore options to make post-sentence supervision more proportionate
- Improve the quality of advice to court and better define the services to be delivered as part of a rehabilitation activity requirement
- Increase the use of community sentences that include drug, alcohol or mental health treatment requirements
- Explore options for a future model of resettlement which puts offender managers at the heart of the process
Partnership working

**Strong collaboration with local partners**, including voluntary sector organisations, local authorities, and Police and Crime Commissioners.

- **Create 10 probation regions in England**, with a senior HMPPS leader responsible for joining up services between NPS and CRCs and working with stakeholders
- Engage with **Police and Crime Commissioners** to consider how they can play a greater role in shaping rehabilitation and resettlement services and improving local collaboration with statutory agencies
- Work with **London** and **Greater Manchester** as part of existing devolution deals to co-design future probation services in those areas
A probation system that works for Wales

We plan to introduce new arrangements in Wales which are a better fit with the devolved responsibilities of the Welsh Government and the existing partnership landscape.

• The **existing devolution settlement** gives us scope to tailor the delivery of probation services to the distinct characteristics of Wales.

• All probation, prison and HMPPS contract management services in Wales already come under the **remit of a single Executive Director**, and the Wales CRC is **co-terminus** with the existing the NPS Wales Division.

• We intend to bring all offender management functions together into the NPS, and work with partners to **commission rehabilitation and resettlement services from private and third-sector providers**.
Supporting providers to succeed

A diverse mixed market of service providers, making the most of expertise from the public, private and voluntary sector.

- Work with voluntary sector organisations, philanthropic trust funders and social finance organisations to explore different approaches to commissioning.
- Explore options for future contracts that would pay providers to deliver core services with less reliance on payment-by-results income, while retaining incentives for innovation and performance improvement.
- Explore options for the key performance outcomes and measures that probation providers should be judged against in future contracts and service level agreements.
- Support a simpler, more integrated system, by making centralised systems available and modernising data-sharing capability.
- Support the professionalisation of the workforce by introducing a professional register and consulting on a standard training framework for staff across all probation providers.
Engaging the market
Market engagement – Thematic sessions

**Market Engagement Events**
- **Tuesday 14th**: Probation services #1: (Full day)
- **Wednesday 15th**: Commissioning and Local Partnerships #1 (AM) System enablers #1 (PM)
- **Thursday 16th**: Commercial model #1 (AM)
- **Wednesday 5th**: Commissioning and Local Partnerships #2
- **Tuesday 4th**: Probation Services #2:
- **Wednesday 12th**: Commercial model #2
- **Tuesday 11th**: System enablers #2
- **Tuesday 18th**: Pre-qualification criteria

**Voluntary Sector Engagement Events**
- **Monday 20th**: Bristol
- **Wednesday 22nd**: London
- **Tuesday 28th**: York

**Dates**
- **w/b 13th August**
- **w/b 20th August**
- **w/b 27th August**
- **w/b 3rd September**
- **w/b 10th September**
- **w/b 17th September**
• Market engagement to help inform and shape the way we design the service and contract will continue for the next **8 weeks**.

• Market warming activity will be undertaken a few months before the launch of competition to create the foundations for an effective procurement process.

• This will include providing our emerging requirements to the market and, where we can, creating opportunities that will support the market in coming together.

The OJEU Contract Notice will be issued to the market in early 2019.

It is our intention that the services being awarded are listed within Schedule 3 of the Public Contracts Regulations 2015, and pursuant to regulation 74 will be subject to the Light Touch Regime.

We aim to have contracts signed by early Spring 2020.

We will allow a six month transition period enabling the new service to be live by the end of 2020.

Please also note a separate competition will be run for Wales. The PIN was published on Tuesday 31 July. Prospective suppliers can similarly register for the market engagement event taking place on 3 September.
Communications

- Market Engagement events are being held face-to-face in London and will be made available for remote access. Further communication to register for these events will be issued shortly.

- MoJ Commercial e-mail: probationcommercialteam@justice.gov.uk

- Main address: https://www.gov.uk/government/organisations/ministry-of-justice

- Clinks Event Registration: https://www.clinks.org/events