Market engagement session – Day 2 morning

Delivery structures, partnership working and commissioning of services

15 August 2018
Introduction to Day 2 (and recap from Day 1)

- Welcome and introductions
- Housekeeping
- Scope of market engagement and consultation
- Format of session
- Recap from Day 1 – service design
<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Aim</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction</td>
<td>Set out the purpose of the session</td>
<td>10.00-10.15</td>
</tr>
<tr>
<td>2</td>
<td>Local delivery structures and partnership working</td>
<td>Explain the proposed configuration of the probation system, the rationale for change and our expectations for partnership working locally</td>
<td>10.15-11.00</td>
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<tr>
<td></td>
<td><strong>Coffee break</strong></td>
<td></td>
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<tr>
<td>3</td>
<td>Commissioning of rehabilitation and resettlement services</td>
<td>Review the current commissioning model and outline intentions and potential options for future commissioning arrangements</td>
<td>11.15-12.15</td>
</tr>
<tr>
<td>4</td>
<td>Plans for co-design of probation services</td>
<td>Outline our intentions and approach to the co-design of future services in London and Manchester</td>
<td>12.15-12.45</td>
</tr>
</tbody>
</table>
Local Delivery Structures and Partnership Working

Jonathan Martin

Protecting and advancing the principles of justice
Probation services are currently delivered by 21 Community Rehabilitation Companies (CRCs), and a single National Probation Service (NPS).

NPS established seven divisional regions. In most cases, two or more CRCs map onto each NPS division.

In only two areas – London and Wales – does the local NPS division align with a single CRC.

CRC boundaries were designed so that police force areas map onto only one CRC.

The overall CRC caseload is around 156,000

The overall NPS probation caseload is around 107,000
In the current model, there are 21 CRCs. They are operated by eight Parent Organisations, some of whose CRCs are geographically dispersed.
Proposed probation structures

- 10 probation regions in England, aligning a single NPS division with a single competed provider
- Probation regions remain coterminous with current Police Force boundaries
- Revised regions avoid splitting current contracted provider areas – apart from Humberside, Lincolnshire & North Yorkshire CRC:
  - Humberside and North & North East Lincolnshire merge into new ‘Yorkshire and Humberside’ region
  - Non-metropolitan Lincolnshire merges into new ‘East Midlands’ region
- Alternative probation delivery model to be introduced in Wales – separate competition for service delivery in Wales

Each region will have its own NPS provider, contracted provider and HMPPS senior leader. The HMPPS role will be responsible for joining up services and stakeholder liaison.
Alignment of current CRCs to proposed probation regions

**Region ‘A’ – North East**
- Durham Tees Valley CRC
- Northumbria CRC

**Region ‘B’ – North West**
- Cheshire & Greater Manchester CRC
- Cumbria & Lancashire CRC
- Merseyside CRC

**Region ‘C’ – Yorkshire and Humberside**
- *Humberside, North Yorks, N & NE Lincs*
- South Yorkshire CRC
- West Yorkshire CRC

**Region ‘D’ – Wales**
- Wales CRC

**Region ‘E’ – West Midlands**
- Staffordshire & West Midlands CRC
- Warwickshire & West Mercia CRC

**Region ‘F’ – East Midlands**
- Derbyshire, Leics, Notts & Rutland CRC
- *Non-metropolitan Lincolnshire*

**Region ‘G’ – South West**
- Bristol, Glos, Somerset & Wiltshire CRC
- Dorset, Devon & Cornwall CRC

**Region ‘H’ – South Central**
- Hampshire & Isle of Wight CRC
- Thames Valley CRC

**Region ‘I’ – East of England**
- Beds, Northants, Cambs & Herts CRC
- Essex CRC
- Norfolk & Suffolk CRC

**Region ‘J’ – London**
- London CRC

**Region ‘K’ – Kent, Surrey and Sussex**
- Kent, Surrey & Sussex CRC
Rationale for proposed changes

• Other than in London and Wales, the NPS currently operates alongside multiple CRCs per region, often owned by different parent organisations with distinct operating models. This presents a complex operating environment for probation staff in both the NPS and CRCs.

• Aligning the NPS and competed probation providers on a 1:1 basis in each region should encourage stronger strategic partnerships and build on a shared understanding of local priorities and needs.

• As a consequence, the NPS and competed provider in each region will be better placed to establish coherent and effective relationships with local system partners (e.g. Police and Crime Commissioners).

• Operationally, the system will be simpler – for example, fewer larger probation regions should help to streamline the delivery of resettlement services to people leaving prison.

• We will achieve clearer accountability – one HMPPS senior leader will be responsible for overseeing all probation delivery in each region. They will support the delivery of integrated, locally responsive services which promote efficiency and effective local partnership working.
**Proposed configuration – Indicative competed provider caseloads**

<table>
<thead>
<tr>
<th>Probation Region</th>
<th>All Court Orders</th>
<th>All Custodial Sentences</th>
<th>Proportion of which are managed in community</th>
<th>TOTAL Caseload</th>
</tr>
</thead>
<tbody>
<tr>
<td>North East (A)</td>
<td>5,050</td>
<td>2,690</td>
<td>65.8%</td>
<td>7,490</td>
</tr>
<tr>
<td>North West (B)</td>
<td>14,170</td>
<td>10,860</td>
<td>61.6%</td>
<td>24,470</td>
</tr>
<tr>
<td>Yorks &amp; Humber(^3) (C)</td>
<td>9,850</td>
<td>6,740</td>
<td>63.2%</td>
<td>16,230</td>
</tr>
<tr>
<td>Wales (D)</td>
<td>5,560</td>
<td>3,920</td>
<td>61.3%</td>
<td>9,480</td>
</tr>
<tr>
<td>West Midlands (E)</td>
<td>10,050</td>
<td>7,550</td>
<td>62.1%</td>
<td>17,600</td>
</tr>
<tr>
<td>East Midlands(^3) (F)</td>
<td>6,510</td>
<td>4,430</td>
<td>62.5%</td>
<td>10,940</td>
</tr>
<tr>
<td>South West (G)</td>
<td>7,230</td>
<td>3,820</td>
<td>62.3%</td>
<td>11,050</td>
</tr>
<tr>
<td>South Central (H)</td>
<td>5,740</td>
<td>3,260</td>
<td>63.2%</td>
<td>9,000</td>
</tr>
<tr>
<td>East of England (I)</td>
<td>9,440</td>
<td>5,890</td>
<td>56.7%</td>
<td>15,330</td>
</tr>
<tr>
<td>London (J)</td>
<td>17,640</td>
<td>13,300</td>
<td>57.5%</td>
<td>30,940</td>
</tr>
<tr>
<td>Kent, Surrey, Sussex (K)</td>
<td>5,770</td>
<td>3,440</td>
<td>61.1%</td>
<td>9,210</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>96,890</strong></td>
<td><strong>65,869</strong></td>
<td><strong>60.9%</strong></td>
<td><strong>158,727</strong></td>
</tr>
</tbody>
</table>

Notes

1. **Source**: ‘Table 4.10, Offender Management Statistics quarterly: October to December 2017’ – totals based on aggregating caseloads for current CRCs within proposed regions. Volumes for each proposed region rounded to nearest 10, so do not sum to the totals indicated.

2. ‘**Total Caseload**’ only counts offenders once, even when an individual has started multiple types of supervision during the counting period.

3. Caseload figures for Areas C and F amended to reflect assumption that 70% of current HLNY CRC caseload would be managed under Area C, and 30% under Area F.

Caseload trends – Dec 2008-2017 and 31 March 2018

- **Community sentences**
- **Suspended sentences**
- **Pre-release supervision**
- **Post-release supervision**

**TOTAL Caseload**

Regions J (London), B (North West) and E (West Midlands) together account for 45.3% of the total caseload.

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Rehabilitation and reintegration of individuals requires a local, collective response - it will be important that delivery structures within each probation region provide a service that responds to local need.

Probation providers will need to engage effectively with local partners and structures, including the police and PCCs, local authorities and Community Safety Partnerships, courts, prisons and local criminal justice boards, as well as health services and commissioners.

This presents a complex breadth of partnerships to be maintained. By aligning NPS divisions and competed providers on a 1:1 basis, we expect to see competed providers work with the NPS to develop shared strategic goals for local probation services and engagement with partners.

Probation providers are subject to a number of statutory obligations in respect of local partnership working – these will be expanded upon in advance of competition, but key examples are summarised through the following slides.
### Key local partnerships by proposed probation regions

<table>
<thead>
<tr>
<th>Probation Region</th>
<th>County Councils</th>
<th>Metropolitan Districts</th>
<th>Unitary Authorities</th>
<th>District Councils</th>
<th>TOTAL – Local Authorities</th>
<th>PCCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>North East</td>
<td>0</td>
<td>5</td>
<td>7</td>
<td>0</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>North West</td>
<td>3</td>
<td>15</td>
<td>6</td>
<td>18</td>
<td>42</td>
<td>5(^\dagger)</td>
</tr>
<tr>
<td>Yorks &amp; Humber</td>
<td>1</td>
<td>9</td>
<td>5</td>
<td>7</td>
<td>22</td>
<td>4</td>
</tr>
<tr>
<td>West Midlands</td>
<td>2</td>
<td>7</td>
<td>4</td>
<td>19</td>
<td>32</td>
<td>4</td>
</tr>
<tr>
<td>East Midlands</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>36</td>
<td>44</td>
<td>4</td>
</tr>
<tr>
<td>South West</td>
<td>4</td>
<td>0</td>
<td>12</td>
<td>25</td>
<td>41</td>
<td>5</td>
</tr>
<tr>
<td>South Central</td>
<td>3</td>
<td>0</td>
<td>10</td>
<td>18</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>East of England</td>
<td>6</td>
<td>0</td>
<td>6</td>
<td>41</td>
<td>53</td>
<td>7</td>
</tr>
<tr>
<td>London</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>33(^\ast)</td>
<td>1(^\dagger)</td>
</tr>
<tr>
<td>Kent, Surrey, Sussex</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>37</td>
<td>43</td>
<td>3</td>
</tr>
</tbody>
</table>

\(^\ast\) There are 32 London Boroughs (plus the City of London) acting as local authorities in London

\(^\dagger\) In Greater Manchester and London, PCC responsibilities sit with the elected Mayors. City of London Police is governed by the City of London Police Committee

Local Authority Data Source:
### Community Safety Partnerships
- Set up under the Crime and Disorder Act 1998, there are c.320 CSPs in England and Wales, convened by local authorities. Currently, CRCs are subject to a statutory requirement to participate in CSPs – this is a key forum for CRCs to integrate with wider partners and support effective local activity.

### Multi Agency Public Protection Arrangements
- Established through the Criminal Justice Act 2003 and operating in all 42 criminal justice areas in England and Wales, MAPPA are designed to protect the public from serious harm by sexual and violent offenders. All MAPPA offenders are currently allocated to the NPS, and so the NPS will continue to be the designated probation authority in respect of MAPPA. Contracted providers will continue to have a contractual duty to cooperate in relation to MAPPA where required.

### Safeguarding Adults Boards
- In Wales, probation providers (NPS and CRCs) are statutory members of Safeguarding Adult Boards. This is not the case in England, but in both regions there is a general legislative requirement for probation providers and local authorities to cooperate with respect to social care.

### Safeguarding Children Boards
- Section 11 of the Children Act 2004 requires probation providers to ensure their functions are carried out with regard to the need to promote and safeguard the welfare of children. The NPS is currently a full member on Safeguarding Children Boards, and CRCs must provide a representative for each Board (as a ‘board partner’).

### Youth Offending Teams
- Local authorities have a duty to work with partners to set up one or more Youth Offending Teams (YOTs) for their area. YOTs have a legal responsibility to prevent offending and reduce reoffending. In the current structure, either the NPS or CRC may supervise individuals who turn 18 and move into the probation system. The NPS will allocate such cases, and CRCs will need to work with YOTs to manage the transition.

### Efficient and effective criminal justice system*
- The Police Reform and Social Responsibility Act 2011 includes probation providers within the list of ‘criminal justice bodies’ who must work with the Police and Crime Commissioner to make arrangements for the exercise of functions to provide an efficient and effective criminal justice system for the local police area. This duty is applied to all providers of probation services – both NPS and contracted providers.

*Other non-statutory forums exist where participation of contracted providers is expected – for instance Local Criminal Justice Boards. We are interested to hear your views on effective ways to work with non-statutory partners*
Relative depth of Voluntary & Community Sector resource

VCS Providers of Offender Services - by region

- **North West**: 219
- **London**: 197
- **South West**: 193
- **Yorks & Humber**: 164
- **East of England**: 164
- **South Central**: 145
- **North East**: 132
- **East Mids**: 111
- **Kent, Surrey, Sussex**: 111
- **West Mids**: 84

Notes
- **Source**: Clinks’ Directory of Offender Services ([www.clinks.org/directory](http://www.clinks.org/directory))
- The numbers above only consider organisations registered with Clinks as providers of offender services.
- These have not been validated for accuracy and should be considered as indicative only – they are included here to illustrate that the availability of specialist VCS provision varies across England.
In the consultation we ask:

**Question 12:** Do you agree that changes to the structure and leadership of probation areas are sufficient to achieve integration across all providers of probation services?

We are also interested in your views on:

- How we ensure appropriate local delivery of services within larger contract package areas; and
- How we can improve local partnership working.
Commissioning of rehabilitation and resettlement services

How do we get the best services?

Jonathan Martin
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.

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.

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.

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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.
Rehabilitation must be a **collective responsibility** – probation relies on wider services to help individuals overcome their problems. Effective partnership working is vital to ensuring people access the services they need.

- We will be clear about the services probation is required **to deliver**, where they have discretion **to commission** additional services, and where they should **influence** other providers to help people access appropriate services. We will create more opportunities between partners for **co-design** and **co-commission** of rehabilitative services.

- We have reinstituted the National Sentencer and Probation Forum to enable magistrates, probation providers, court staff, prosecutors and others to come together and discuss the challenges and opportunities for improvement. A new **Local Liaison Probation Instruction** will ensure competed providers influence discussions with courts about probation services.

- We want to explore the best way for probation to secure access to the range of rehabilitation services it requires. We are considering whether the current approach of CRC supply chains providing rehabilitation services can be made to work more effectively, or whether alternative approaches should be developed.
When CRC contracts were developed an important design consideration was enabling access for both NPS and CRC offenders to effective change work.

- We wished to achieve the best access to work to address offender needs and set out a design that gave CRCs the opportunity to build supply chains and partnerships with others to enable them to build an effective response to offender needs.

- We used an Industry Standard Partnership Agreement (ISPA). This was to offer a structured approach to both the competition and contract periods with supply chain partners: one that offered a level of transparency and business risk management to encourage third sector (often SMEs and charities) to provide their services, whilst retaining the flexibility to allow the CRC to adapt and change provision in response to demand and innovation. It was through this supply chain that it was envisaged much of the change activity with offenders would be delivered and their needs would be met.

- We created a mechanism called a rate card by which CRCs could make their services available for purchase by the NPS for its offenders.

The supply chain has not developed as expected, nor has the use of the rate card by the NPS. We recognise that we need to review the design and consult on how best to refine it.
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*

*These figures exclude women and men without a valid OASys assessment or needs data at this point in time.
The methods that effect change

The delivery landscape

PULL
Things that enable positive choices

Skills

Talk therapies

Literacy

Approval

RO

Opportunities

Social acceptance

Health

PUSH
Things that inhibit or punish poor choices

Sanctions

Privileges

Breach

MAPPA

Fines

Restrictions

HMPPS services

Jointly Commissioned

Community

Mental Health Act

Job opportunities

Accommodation

Community

Individual

Environmental
Accessing services

• The Responsible Officer has the authority within the sentence to ensure delivery of punitive elements and the offender is subject to the additional mechanisms to restrict behaviour and subject them to additional sanction.

• However to reduce reoffending the Responsible Officer must be able both to use their own skill and knowledge in working with offenders and to access the skills and knowledge of others who can assist. Critically they need to make informed decisions about which to do, and to have a system that allows them to pursue an effective sentence plan.

• We would like views on how to improve skills, knowledge and access to services for offenders in order to achieve long-term change. We are using the consultation process to help us explore options for designing revised commissioning arrangements.
System design objectives

We want a system that allow **NPS** Responsible Officers to access the right services for **NPS** offenders:

- We need to ensure the Responsible Officer can have the right skills to deliver some change work. We recognise that specialist change work (such as Sex Offender Programmes) will remain best delivered by the NPS.
- Contracted providers and their supply chain could provide services to the NPS as part of the contract.
- We know that the NPS may need and wish to purchase services from others with specialist skills. We therefore need to consider the mechanism to commission these services, including the option to create a Dynamic Purchasing System (DPS).

We want a system that allows **contracted providers**’ Responsible Officers to access the right services for their offenders:

- We need to ensure the Responsible Officer has the right skills to deliver some change work
- We recognise that much current change work is provided by contracted providers to its offenders. We believe current contracts have not sufficiently promoted the use of the supply chain as a method to involve those with specialist skills.

We want a system in which the same services required by both NPS and contract provider offenders are commissioned and provided in a joined-up and cost-effective way:

- We need to ensure that shared commissioning ambitions are identified and acted upon in partnership
- We need to ensure there is not duplication of provision and that mainstream services are utilised wherever possible.
There are a range of choices about who commissions services required by both NPS and contracted provider offenders – including the role of other local commissioners such as PCCs.
In the consultation paper we ask:

**Question 13:** How can probation providers effectively secure access to a range of rehabilitation services they require for offenders, and how can key local partners contribute to achieving this?

**Question 14:** How can we better engage voluntary sector providers in the design and delivery of rehabilitation and resettlement services for offenders in the community?

**Question 15:** How can we support greater engagement between PCCs and probation providers, including increased co-commissioning of services?

What are your views on the best way to get the services needed for both NPS and contracted provider offenders?
Plans for co-design of probation services

With the London Mayor’s Office for Policing and Crime (MOPAC) and Greater Manchester Combined Authority (GMCA)

Rosie Miles
Justice devolution and co-design

The Ministry of Justice currently has devolution deals in place with London, Greater Manchester, Liverpool City Region, the West Midlands and Avon and Somerset.

London and Greater Manchester have the most advanced devolution arrangements in place and are both areas where a Combined Authority with an elected Mayor has taken on PCC powers. We have therefore chosen these two regions to test a co-designed approach to probation services.

London
• In March 2017, the Ministry of Justice signed a high level devolution deal with Greater London and committed to a more detailed Memorandum of Understanding (MoU) on Justice devolution.
• In March 2018 we agreed and signed this MoU with the Mayor's Office for Policing and Crime (MOPAC) and London Councils.
• Within this MoU agreement is a commitment to co-design future probation arrangements in London.

Greater Manchester
• In March 2016, a high level devolution deal was agreed with Greater Manchester and subsequently refreshed in November 2017.
• Work is currently underway to refresh the agreements in place.
What do we hope to achieve through co-design

We want to test the approach of co-designing probation arrangements in London and Greater Manchester to establish whether this process supports improved service delivery and outcomes, and promotes increased integration of probation and other services at a local level.

✓ The Secretary of State for Justice will retain full statutory responsibility and accountability for probation delivery in these regions.

✓ We will need to ensure that the system as a whole remains coherent and manageable at a national level.

✓ Core elements of service delivery (i.e. offender management functions) and the payment mechanism are likely to remain the same as the national model. We are predominantly considering alternative options around the commissioning framework for resettlement and rehabilitative services.

✓ Any area-specific requirements will be clearly articulated to potential bidders.

✓ MOPAC and GMCA have both signed Non-Disclosure Agreements which will ensure any commercially sensitive information shared with them is protected.

✓ These regions will not receive additional MoJ funding – this is about improving how services are designed and delivered, and integrated with wider commissioning partners.
What will co-design mean in practice?

• We will be working closely with MOPAC and GMCA to involve them in our service design thinking and this will continue through to the development of service specifications.

• MOPAC and GMCA will be able to feed in their views about how they think proposals will fit within their region and any local implications.

• We will be working with MOPAC, GMCA and other stakeholders to identify and agree particular local priorities that we think should be reflected in future arrangements.

• Where necessary, we will consider tailoring contractual specifications to reflect these priorities.

• It is likely that there will be an element of the Invitation to Tender for contracts in London and the North West region that will require bidders to set out how they will respond to these local priorities. MOPAC and GMCA would then evaluate responses to these elements against an agreed set of criteria.

• We will be exploring the potential for a formalised oversight role for MOPAC and GMCA once contracts are let.
MoJ will be further engaging with both regions over the summer to discuss service design proposals with them.

We will jointly be running some specific invitation-only stakeholder events in London and Greater Manchester to involve key stakeholders in the development of co-design proposals – such as Local Authorities and Health commissioners.

As these regional proposals develop, we will be incorporating them into our wider service design development.

When we have a clearer idea of what we might want to do differently in each region, we will be communicating further with the market.
End of Day 2 – AM session

Please send any feedback and comments to ProbationCommercialTeam@justice.gov.uk
MoJ is undertaking this market engagement (“ME”) alongside the ‘Strengthening Probation, Building Confidence’ public consultation, which was launched on 27 July 2018. Please note the following, MoJ:

is not liable for any costs incurred by anyone who chooses to participate in this ME;
may choose and/or be obliged to disclose information submitted to it as part of this ME. In particular please note MoJ is subject to the Freedom of Information Act 2000 (as amended) and the Public Contracts Regulations 2015 (as amended);

makes no guarantee, representation nor warranty (express or implied) with respect to any information disclosed as part of this ME;

MoJ shall not be liable for any loss or damage arising as a result of reliance on information disclosed as part of this ME and/or from any participation in the ME; and

is not committed to any course of action as a result of this ME.