The Proposed Future Model for Probation: A Draft Operating Blueprint

Probation Reform Programme

19 June 2019
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Introduction

1. Probation services are at the heart of an effective criminal justice system. They deliver the orders of the court, protect the public from harm and rehabilitate offenders. Whether an individual receives a community sentence or is sent to prison, probation will be central to ensuring that justice is done and that those who have committed crimes return to being law-abiding members of society. There are over 250,000 people under the supervision of the probation services at any one time, with some of these being supported in custody and the majority monitored in the community.

2. For community sentences to be used effectively, it is essential that they command the confidence of the judiciary, of victims and of the wider public. Community sentences require for the individual to be properly supervised, to undertake activity as reparation for their crime, and to receive the help they need to stop offending. Should these conditions not be met, probation services take action to enforce the sentence. Sentencers should feel confident that community orders will be effectively delivered and properly enforced.

Background to this Document

3. The consultation paper on the future of probation ‘Strengthening probation building confidence’ was published on 27 July 2018. It set out proposals for improving probation services and putting in place new arrangements following the decision to end Community Rehabilitation Company (CRC) contracts early.

4. The Department ran a series of market and stakeholder engagement events during the consultation period, which closed on 21 September 2018 and received over 450 responses to the consultation. We have subsequently continued to engage with key stakeholders and the market to refine our proposals, and looked carefully at the findings and recommendations of key reports from external bodies (including the National Audit Office, Justice Select Committee and HM Inspectorate of Probation) while we have considered our approach.

5. The report ‘Strengthening Probation, Building Confidence. Response to consultation,’ was published on 16 May 2019. It summarised the responses received and set out how the consultation process and subsequent engagement have influenced the further development of our proposals. In our future approach, we intend that responsibility for the management of all offenders, whether low, medium or high-risk, will be held by the National Probation Service (NPS). This will see the model set out in the consultation for Wales now adopted across England too. Private and voluntary sector organisations will deliver interventions and rehabilitative services – such as Unpaid Work, Accredited Programmes (with the exception of programmes for sex offenders which will continue to be delivered by the NPS) and other resettlement and rehabilitative interventions – with a role in supporting the NPS to identify and deliver wider innovation.
**Purpose of this Document**

6. This draft Operating Blueprint sets out more detail on what the proposed future model for the probation system will look like once CRC contracts come to an end in Spring 2021 and it builds on the proposals as set out in the consultation response. The proposed future model set out in this Blueprint will be further refined as we engage with stakeholders and the market and it is, therefore, subject to change.

7. This document is applicable to probation services in England and Wales and describes:

   (i) A summary of the proposed new future model (Section A, pages 5-9).

   (ii) The rationale for the move to the proposed new future model (Section B, pages 10-12).

   (iii) The objectives for the proposed new future model (Section C, pages 13-14).

   (iv) The detail of the proposed future model, including regional structures, the commissioning model, and how different probation functions will be delivered (Section D, pages 15-59).

   (v) How the proposed new model will differ in Wales (Section E, page 60).

8. The statutory responsibilities for the NPS in relation to victims of crime remain unchanged and are outside of the scope of this document.

9. This document will support the period of market and stakeholder engagement that commenced in May 2019 as we finalise our proposals, including our approach to competing services and as we develop further detail on the design for future services that will underpin a more detailed business case. Thereafter, this document will form the basis of a more detailed Target Operating Model that will be developed over the summer and early autumn, prior to competitions being launched.


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**Complaints or comments**

12. If you have any complaints or comments about the consultation process you should contact the Ministry of Justice (MoJ) at the above address.
Section A: Executive Summary of the Proposed Future Model

13. The following is a summary of proposals for the future model for probation, including details of how these differ from current arrangements. It is set out in Diagram 1, and further detail is provided in Section D.

The Responsibility for Offender Management

14. Under the proposed future model, the NPS (part of HMPPS - which is an executive agency of the MoJ) will have responsibility for managing all offenders on a community sentence or licence following release from prison. This differs from the current model where CRCs are responsible for managing offenders assessed as posing a low or medium risk of serious harm, with higher risk offenders managed by the NPS.

Probation Regions / HMPPS Structures

15. To better support integration of service delivery and partnership working at a regional and local level we will create at least ten coterminous regions for the NPS and competed provision across England, alongside one region in Wales. We are currently considering whether we make further changes to arrangements for delivery of services in the North West to make caseloads more manageable and to reflect the commitment to joint working with the Greater Manchester Combined Authority (GMCA).

16. In England, each of the NPS regions will be overseen by a Regional Probation Director who will provide strategic leadership and be responsible for the overall delivery and commissioning of probation services. In Wales, the NPS Director role (as the equivalent grade to the Regional Probation Directors) already has responsibility for all probation services in Wales and this will remain unchanged. We will invest in the commissioning capability and capacity of the Probation Service through the design of new regional probation structures, leveraging the skills and experience built up within the CRCs.

17. The Regional Directors will provide a single voice for probation in each region and be responsible for partnership working and strengthening engagement in local and regional partnerships. We plan that recruitment of Regional Directors for all the regions will take place during 2019 with the aim that these roles be confirmed by the end of the year. We will continue to work with the Mayor’s Office for Policing and Crime (MOPAC) in London and the GMCA to co-design future probation services in these areas as part of existing devolution agreements.

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1 Offender Management activities include managing the sentence specification, risk and need assessments, sentence planning, oversight, enforcement, breach and recall.
Building NPS Capability

18. We will build NPS capability and capacity in the following areas:

Advice to Court

19. We will deliver high quality advice to court which ensures offenders have appropriate assessments which enable effective sentence planning and support the most effective targeting of interventions.

Offender Management

20. We will effectively and safely manage offenders, taking a gender informed approach where appropriate, with clear national standards which focus on the importance of the quality of offender engagement and the form and frequency of contact with offenders, along with clear frameworks for staffing ratios and caseloads.

Resettlement Services

21. We will support offenders on release from prison by enhancing the role of the Responsible Officer in planning for release. We will align arrangements with responsibilities for the management of offenders in custody to ensure a safe and planned transition from custody to community.

Improving Quality of Delivery Through Contracted Provision

22. To improve service delivery through contracted provision, we will retain and build on the strength that private and voluntary sector organisations have demonstrated in delivering interventions. We will do this by sourcing all key services, such as Unpaid Work, the majority of Accredited Programmes (with the exception of sex offender programmes and programmes delivered by the NPS to address extremist offending) and other resettlement and rehabilitative interventions from the private and voluntary sector markets, with a role for the market in supporting the NPS to identify and deliver wider innovation. The NPS will be expressly required to buy all interventions from the market, spending an estimated £280m a year.

Unpaid Work and Accredited Programmes

23. We will run competitions for private or voluntary sector ‘Innovation Partners’ to deliver Unpaid Work and Accredited Programmes and support the NPS to identify and deliver innovation in the delivery of wider services that can support rehabilitation. Through clear contractual requirements we will improve the delivery of Unpaid Work by ensuring quality individual assessments and the availability of placements with staff who are appropriately trained. We will require suppliers to provide meaningful Unpaid Work placements which maximise employment, education and training opportunities and deliver reparation to local communities, and which also take account of

2 In the current model, the NPS delivers some Accredited Programmes, including those which address sexual offending. Our proposals are for the NPS to continue to deliver these programmes in the future.
personal circumstances, such as caring responsibilities. We will ensure that all offenders who are eligible and able to attend Accredited Programmes do so. We will create lots co-terminus with NPS regions to ensure effective integration of services and clear accountability for delivery and we will design contracts flexibly so that innovative approaches that show results can be quickly identified and spread across the wider system.

Resettlement and Non-Accredited Rehabilitation Interventions

24. We will create a Dynamic Framework for resettlement and rehabilitative interventions. The Dynamic Framework will operate at a national level, but will allow the NPS to directly commission services at a regional or local level on a scale that is responsive to the needs of local areas. This will help to strengthen engagement with not only the private and voluntary sector, but will also support co-commissioned activity with local and regional partners including local authorities, NHS organisations and Police and Crime Commissioners (PCCs) and facilitate partnership-working on shared priorities and co-commissioning of services that support reducing reoffending.

25. We will better define the services to be delivered as part of a Rehabilitation Activity Requirement (RAR) to ensure that interventions are available to address the primary factors linked to reoffending.

26. We will improve both the range and quality of rehabilitative interventions so these can be better targeted to address the needs of offenders, including vulnerable offenders and those with mental health, alcohol and substance abuse problems, and support people to lead crime free lives. In commissioning services and interventions, we will engage directly with smaller providers who can often provide a more tailored and locally responsive approach. We will ensure that rehabilitative programmes take a gender and trauma informed approach, where appropriate.

27. We will encourage greater use of properly targeted community sentences that include drug, alcohol or mental health treatment requirements.

Supporting a Professional Workforce

28. We are committed to recognising probation work as a professional vocation and are investing in the probation workforce so it can develop cutting-edge practice and have the biggest impact on the lives of offenders, victims and the public. Our ambition is to enshrine this commitment in legislation, legally recognising probation as a profession and creating a regulatory framework for setting qualification requirements and practice standards, requirements for fitness to practice and continuing professional development expectations. Professional recognition will mean staff will have access to world-class, evidence-based professional development opportunities with the time and support to access them and apply their learning to more effectively manage offenders in the community.

29. We will introduce new NPS leadership structures and capabilities to support a smooth transition for staff and drive up standards, and we will continue to work with Trade Unions to introduce new pay arrangements for staff.
Developing Systems to Support and Assure Effective Delivery

30. We will develop clear and transparent key performance outcomes and measures that the NPS (via service level agreements) and private and voluntary sector providers (via contracts) should be judged against.

Digital and Technology

31. We will support a simpler, more integrated system, by developing the capability of centralised IT systems and modernising data-sharing capability.
Diagram 1: High-level Summary of the Proposed Future Model for Probation

Pre Sentence

Community Orders

Advice to Court

Sentence Delivery

Post

Assessment

OFFENDER MANAGEMENT
NATIONAL PROBATION SERVICE

Outsourced Interventions as Required

Accredited Programmes

Unpaid Work

Rehabilitation Activity Requirements

All Prison Sentences

Assessment

OFFENDER MANAGEMENT
NATIONAL PROBATION SERVICE

Outsourced Interventions as Required

Rehab Services

Accredited Programmes

Resettlement Activity Requirements

Release

Outcome Focused Innovation and Co-Commissioned Provision
Section B: Drivers for Change

The Transforming Rehabilitation Reforms

32. In 2014 the Transforming Rehabilitation reforms fundamentally changed the probation system. The structural reforms associated with it brought key benefits including:

(i) Extending (under the Offender Rehabilitation Act 2014) probation provision each year to approximately 40,000 extra offenders sentenced to less than twelve months in custody.

(ii) Opening the delivery of probation services to a broader range of providers, including the private and voluntary sectors.

(iii) A reduction of two percentage points in the binary proven reoffending rate of individuals supervised by CRCs (compared to a 2011 baseline estimate).

(iv) Some positive examples of good joint-working between the NPS, CRCs and their local partners.

(v) Improvements in the consistency of core probation practice achieved by the NPS when compared to the position we inherited from 35 Probation Trusts.

33. Despite the above benefits and the continued fall in the binary reoffending rate, the Transforming Rehabilitation reforms have, since they were introduced, experienced a number of well documented commercial and operational challenges. Despite action taken by the Department to agree changes to CRC contracts they have not proved viable, and the Department agreed with providers in July 2018 to end current CRC contracts earlier than planned.

External Reports and Scrutiny

34. In June 2018, the Justice Select Committee (JSC) published its report on the Transforming Rehabilitation reforms. This report made a series of recommendations for our future approach including that “the Ministry of Justice should initiate a review into the long-term future and sustainability of delivering probation services under the models introduced by the Transforming Rehabilitation reforms…”. The Government has now responded in full3 to the JSC’s report.

35. HM Inspectorate of Probation’s (HMIP) Annual Report4, published in March 2019, described the current model for delivery of probation services in England and Wales as “irredeemably flawed” and called for a major rethink of proposals to create a system that is “fit for the future”. Specifically, the then Chief Inspector of Probation, Dame Glenys Stacey, called for probation services to be evidence-based - supported by research, evidence and evaluation - and to meet

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the needs of both victims and individuals under supervision through ensuring that “probation work should be of the right quality, whoever is providing it”. With reference to probation staff, the report called for “an integrated and professional service” supported by enough qualified professionals. Dame Glenys Stacey called for a “probation service able to command the confidence of the judiciary, victims, the professional staff employed and the wider public”.

36. In February 2019, the National Audit Office (NAO) published their latest report on the Transforming Rehabilitation reforms, and recommended that the department “pause and reflect” on the approach set out in the consultation to provide assurance that the proposals in the consultation were both deliverable and consistent with the department’s strategic aims for the probation system. The NAO suggested that the MoJ should carefully consider challenges around provider sustainability and the variations in the quality of probation services.

The Benefits of the Proposed Future Model

37. The response to the consultation sets out how the Department intends to learn from both the positive elements of the Transforming Rehabilitation Reforms, as well as the challenges. It also sets out how we have taken account of both the concerns of key stakeholder groups, and our own analysis of system performance in developing a proposed future model which we believe offers the best long-term solution for probation and the following benefits:

Operational Benefits

(i) The ability to maintain a single Responsible Officer throughout the sentence and ensure frequency of contact between the Responsible Officer and offender with fewer points of handoff between staff and organisations.

(ii) Increased control over the quality of offender management delivery and an enhanced ability to better adapt within existing resources to changing volumes without compromising quality.

(iii) Clear regional accountabilities for managing those under probation supervision. This will allow us to better respond to changes in caseloads – for example, increases or decreases in the proportion of high or medium to low-risk offenders. It will remove process inefficiencies as cases will no longer be required to be passed between the NPS and CRC as assessment of risk changes.

(iv) Provide clarity, development and continuous improvement around clear standards for delivery, which promotes consistency of approach for effective engagement, maximises continuity of the Responsible Officer for offenders, and provides clear standards for supervising vulnerable offenders, including those with complex needs and those at risk of discrimination on the basis of a protected characteristic. The model will also improve the collection of data on different offender cohorts to support this aim.

(v) Enable Responsible Officers to work with a more diverse caseload with different risks and needs, enabling the development of a broader range of skills and flexibility of workforce, improved job satisfaction and well-being of staff.

(vi) The proposed model will alleviate the pressure on Probation Officers currently managing an exclusively high-risk caseload, and allow us to provide improved career development opportunities for probation staff through opportunity to manage a varied caseload.

(vii) A single process and standardised products (including assessment tools) with a single clear structure for management oversight.

(viii) Simplified arrangements for probation staff providing advice to court and resettlement of offenders prior to and following release from prison.

Non-Operational Benefits

(i) Greater sentencer confidence in the Probation Service’s ability to effectively oversee delivery of community orders.

(ii) Simplified processes for introducing new policy and legislative changes into the future system.

(iii) The model will enable us to more effectively manage the recruitment and retention of the probation workforce.
Section C: Objectives of the Proposed Future Model

38. This section sets out the objectives for the proposed future model.

**Strategic Objectives for Improving Probation Services Beyond 2020**

39. Probation services have a critical role to play to protect the public. We want to see offenders successfully rehabilitated so they turn away from crime and make a positive contribution to society.

40. Wherever possible we want rehabilitation to happen in the community. We know that community sentences, in certain circumstances, are more effective than short custodial sentences in reducing reoffending. Short periods spent in prison disrupt lives – often resulting in the loss of employment, accommodation and family relationships. These factors can contribute to poorer reoffending outcomes.

41. We need a probation system which commands the confidence of the courts and the public, manages offenders effectively, protects the public and works with others to give offenders the motivation, support and skills they need to aspire to and lead law-abiding lives in their communities.

42. Through the proper management and rehabilitation of offenders, probation services can prevent future victims of crime and make communities safer. We will focus on the following key objectives:

(i) **Keep it simple**: We will create a future probation service that offenders and their families, staff and the public understand and respect – removing duplication and confusion of roles and tasks for resettlement.

(ii) **Ensure rehabilitation comes first**: We will ensure that design work has rehabilitation at its heart, with a relentless focus on the best outcomes now and for the future.

(iii) **Evidence-based**: Being clear about the nature and limitations of available evidence and use of professional clinical judgment/opinion – e.g. consistency of Responsible Officer role pre and post release.

(iv) **Retain effectiveness**: We will align with local services, prison reform intentions and enhance probation practices that have consistently proven to add value – e.g. a single plan to support the management of offenders throughout their sentence.

(v) **Support transparency and participation**: We will commit to openness, transparency and participation, working with offenders, internal and external stakeholders, academics and staff.

(vi) **Build on lessons learnt**: We will commit to reviewing the lessons learned from probation’s history.

(vii) **Assuring proportionality and parity of access**: We will ensure offenders, wherever they are located, are offered consistent and proportionate levels of service with parity of access to meet their needs in the interests of better outcomes and reducing reoffending.

(viii) **Vulnerable Offenders**: Our new model will improve provision for vulnerable offenders, including those with multiple and complex needs, those at risk of homelessness, and
offenders liable to experience particular disadvantage or discrimination on the basis of a protected characteristic. That includes improving provision for women offenders, where evidence shows a distinct approach is needed to support their rehabilitation, as well as offenders who have been in care. Disparities in outcomes for these offenders have been criticised in reports by HMIP and other partners and were highlighted in many responses to the consultation. We are confident that our new approach can deliver additional benefits for vulnerable offenders. For example, bringing together offender management functions under the NPS will deliver the flexibility to enable training and practice to evolve in line with our understanding of best practice for supervising vulnerable offenders, including trauma informed practice. The creation of a Dynamic Framework for resettlement and rehabilitative interventions will promote the involvement of smaller suppliers who often cater best to particular cohorts of offenders. Stronger partnership working arrangements will enable more joined-up support for groups that face disparities of outcome across the criminal justice system.

Alignment with Wider Criminal Justice Reforms

43. Probation services form part of the wider criminal justice system, where successful outcomes are reliant on effective cooperation. Only by making sure the whole system is working effectively – from courts, to prisons and probation – will we be able to build a justice system that works for society, for those employed on the frontline and for offenders who want to get their lives back on track. There is a need for elements of the justice system to align. Key elements include:

(i) **MoJ transformation.** The principles of MoJ transformation will be embedded in the future operating model and subsequent Target Operating Model. This includes the focus on using simpler processes, becoming a data driven department, and investing in people and capability.

(ii) **Court reform.** The probation system works with courts to support HMCTS justice modernisation. Offenders need to be made to face the consequences of their actions quickly, using effective, locally-based interventions.

(iii) **Prison reform.** The November 2016 *White Paper on Prison Safety and Reform* focused on raising standards in prisons, empowered governors and supporting safe and secure prisons. It is vital that prisons and probation services work closely together to assess the support offenders require, plan for their release, and work with local authorities and others to make the necessary arrangements for a safe and planned transition into the community.

The changes we are making to probation are also an important step in improving confidence in robust alternatives to custody that can lead to better reoffending outcomes than short custodial sentences.
Section D: The Detailed Proposed Future Model for the Probation System

44. This section sets out the detail of the respective parts of the proposed new future model for the probation system. It supports the on-going market and stakeholder engagement and will be developed into a more detailed Target Operating Model as we continue to engage the market in the development of the solutions and commercial models over the summer and early autumn. This section covers:

(i) Future Structures, Probation Regions, and the Commissioning and Contracting of Services.

(ii) Regional Co-ordination Function.

(iii) Advice to Courts.

(iv) Offender Management.

(v) Unpaid Work.

(vi) Resettlement model.

(vii) Rehabilitation.

(viii) Accredited Programmes.

(ix) Cohorts and Vulnerable Offenders.

(x) Workforce.

(xi) Digital and Technology.

(xii) Performance Framework.
Future Structures, Probation Regions, and the Commissioning and Contracting of Services

Overview

45. The current structure of 21 CRCs and seven geographical divisions of the NPS will, as per the July 2018 consultation, be reconstituted to form eleven NPS divisions across England and Wales. The proposed regional structure for England is now settled except for the North West where we are considering whether to create an additional division for Greater Manchester in recognition of the significant caseload volumes in the current North-West region and to better support joint working arrangements with GMB.

Map 1: The proposed 11 probation regions in England and Wales

46. Within each region, a mixed market approach will be retained with the NPS responsible for all offender management services\(^6\) – low, medium and high-risk offenders – while the delivery of Unpaid Work, the majority of Accredited Programmes and resettlement and rehabilitative interventions will be contracted out. The lots for delivery of Unpaid Work and Accredited Programmes will be coterminous with NPS divisions to ensure clear accountability for both contracted and directly delivered provision.

47. In England, each NPS division will be overseen by a Regional Probation Director who will provide strategic leadership and be responsible for the overall delivery and commissioning of probation services. In Wales, the NPS Director (as the equivalent to the Regional Probation Director) will hold this leadership role.

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\(^6\) The supervision of offenders on a community sentence or on release from prison (low, medium and high-risk individuals).
The Regional Probation Directors will report to the Chief Probation Officer who reports, along with the Executive Director for HMPPS in Wales, to the Director General for Probation.

Each Regional Probation Director will be supported by a new regional management structure that brings together the line management of NPS operational leaders, commissioning and contract management of private and voluntary sector providers of probation services, performance and quality assurance, business services and stakeholder engagement. This will support a more integrated approach across public, private and voluntary sector providers of probation services. Each regional director will be responsible for meeting the Public-Sector Equality Duty and delivering the relevant recommendations of the Lammy Review and the Female Offender Strategy. To that end, each region will have a dedicated Equalities Manager.

Diagram 2: Proposed Regional Management Roles and Structure in England

NPS Operational Delivery

Responsibility for all offender management – low, medium and high-risk cases – will be integrated into the public sector under the NPS. This will sit alongside their existing responsibilities to deliver advice to court including pre-sentence reports (PSRs), reviews and enforcement proceedings for all offenders.

There will be a new Head of NPS Operations who will be responsible for operational delivery by the NPS within each region. They will report to the Regional Probation Director and have line management responsibility for Heads of Local Delivery Unit (LDU) Clusters. They will provide operational direction for the NPS, overseeing and joining up services across LDU Clusters to ensure an integrated system and provide strategic leadership for NPS court activity. They will contribute to the development of strategic objectives across the probation region and operationalise these within the NPS.

The system of LDUs and LDU Clusters will be retained but the number and structure of them will be reviewed to ensure there are appropriate arrangements to meet the expanded responsibilities and staff numbers.

NPS operational delivery is organised into LDUs which are often clustered together for management purposes. Generally, LDUs align with one or more Police Basic Command Units and within local authority boundaries.
53. We will work to develop a new shared identity and culture among all staff that will be in the NPS, building on the experiences of those who have worked in the NPS and CRCs previously. This will be supported by ongoing continuous professional development of staff and recognition through an independent statutory register for probation professionals.

**Contracted Out Provision**

54. In each region there will be a single ‘Innovation Partner’ for both Unpaid Work and Accredited Programmes that will be procured through a national competition by HMPPS.

55. Resettlement and rehabilitative interventions will be delivered by a range of partners and will be procured through a separate Dynamic Framework. The Dynamic Framework will be a flexible portal for suppliers who can deliver resettlement and rehabilitative interventions across England and Wales and allows for services to be commissioned at a national, regional or local level. Suppliers may be admitted to the portal at any point subject to a qualification process. Once a requirement (e.g. intervention, cohort) is identified, a call-off competition will be organised via the Framework to procure a supplier. Call-off competitions can cover different geographical levels within the probation region (e.g. police force area, local authority level) to enable greater local responsivity and utilisation of smaller voluntary sector organisations.

**Diagram 3: Summary of the Dynamic Framework**

<table>
<thead>
<tr>
<th>Offender need 1</th>
<th>Offender cohort 1</th>
<th>Offender cohort 2</th>
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<tbody>
<tr>
<td>Call Off</td>
<td></td>
<td></td>
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<tr>
<td>Offender need 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Call Off</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender need 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Call Off</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender need 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender need 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Call Off</td>
<td></td>
<td></td>
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<tr>
<td>Offender need 6</td>
<td></td>
<td></td>
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<tr>
<td>Offender need 7</td>
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<tr>
<td>Offender need 8</td>
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</tbody>
</table>

- The aim of the Dynamic Framework is to allow the NPS and other commissioning bodies to purchase rehabilitative and resettlement interventions in England and Wales from a range of prequalified suppliers.
- Suppliers can qualify onto the framework at any time; existing suppliers can amend their details at any time.
- The Dynamic Framework will be split into lots based on offender needs (i.e. accommodation, ETE, etc) and offender cohorts (i.e. women).
- The Authority will then run mini-competitions between pre-qualified suppliers for particular cohort/needs.
- The lots of the Dynamic Framework will not be based on geographical areas, although suppliers will need to indicate which geographical areas they are interested to bid for at the time of qualification onto the Dynamic Framework.
- Contract size may vary from very small contracts covering a small region to larger contracts covering wider areas.
- Contracts under the Dynamic Framework can vary in contract value and in contract length.

56. The commissioning of day-one services will be undertaken by the HMPPS Probation Reform Programme, whereas future commissioning will be the responsibility of the Regional Probation Director and undertaken by the NPS division via the ‘Regional Co-ordination Function’.

57. The Regional Co-ordination Function will be responsible for actively managing supply and demand for all services to ensure offenders can have access to the services they need, including Unpaid Work, Accredited Programmes, resettlement and rehabilitative interventions and wider services that can be accessed freely.
58. When commissioning future requirements, it is expected that the Regional Probation Director and the NPS will engage with key strategic and local partners to identify priorities, shape specifications and consider opportunities for co-commissioning.

**Partnership Working**

59. The NPS will be responsible for developing effective relationships with stakeholders (e.g. other commissioners and service providers from across the public, voluntary and private sectors) by meaningfully engaging with both statutory and non-statutory partnership-working arrangements in their region.

They will be expected to engage in arrangements that support:

(i) Fulfilling core probation service delivery.

(ii) Wider CJS outcomes such as early intervention and diversion.

(iii) Improving the effectiveness and efficiency of the criminal justice system.

(iv) Reducing reoffending and addressing offender needs, and building their capacity to lead crime-free lives.

(v) Protecting the public.

(vi) Safeguarding vulnerable children, adults and victims or potential victims.

The purpose of this engagement is to:

(i) Shape and respond to sub-regional and local priorities.

(ii) Influence planning, development and commissioning of wider services.

(iii) Support the alignment of probation and partners priorities.

(iv) Contribute to or develop joint-working or co-commissioning initiatives.

(v) Secure access to wider services on behalf of services users.

(vi) Build confidence and ensure transparency amongst partners and stakeholders.

60. At a local level, it is the responsibility of Heads of LDU Clusters to engage with partnership working arrangements.

61. The Regional Probation Directors will be expected to build relationships and alliances with strategic partners, such as PCCs, local authorities and health commissioners, to identify and tackle shared priorities, and reduce reoffending. In some areas this could take the form of Regional Reducing Reoffending Boards. This activity at a local and regional level will be supported by a dedicated senior leader in each region for Community Integration and Partnership Working.
This will be facilitated by the ring-fencing of a proportion of probation funding – the Regional Outcomes or ‘Innovation’ Fund – to be used to commission or co-commission initiatives that tackle cross-cutting social outcomes that are key to reducing reoffending and complement the wider landscape of services that sit alongside probation. The Dynamic Framework can also be used to commission these types of services and will be accessible to other commissioning bodies such as Welsh Government, PCCs, MOPAC and GMCA, Local Authorities, etc. to commission other services such as early intervention, or gender-specific services.
Regional Co-ordination Function

Key Design Principles

- Places the Responsible Officer at the heart of operational delivery and processes to co-ordinate support for offenders.
- Provides timely access to the best local services and experts to meet the identified need.
- Works as an enabler to allow the Responsible Officer to concentrate on the right things at the right time.
- Works from an evidence-based approach to ensure we spend our money well.
- Provides the region with simple, visible and easy to understand services.
- Works within existing resources to offer enabler solutions.
- Creates the right conditions for voluntary organisations to be able to bid as local service providers.

Summary

63. The commissioning of outsourced services in readiness for day-one delivery of services will be undertaken by the HMPPS Probation Reform Programme. Future commissioning will, however, be the responsibility of the Regional Probation Director and undertaken by the NPS division via a Regional Co-ordination Function.

64. The Regional Co-ordination Function will be responsible for actively managing supply and demand for all services to ensure offenders can have access to the services they need, including Unpaid Work, Accredited Programmes, resettlement and rehabilitative interventions and wider services that can be accessed freely.

65. The Co-ordination Function will support effective delivery of those competed services. In particular, it will work as an enabler for the regional running of a Dynamic Framework approach to outsource non-accredited interventions and services. This approach to market anticipates improved engagement and opportunities for contracting with voluntary, community and social enterprise providers to deliver more local, outcome focused services.

66. This approach to purchasing services necessitates careful consideration of how the Authority can most effectively manage a much more direct market relationship and support operational staff to access the right service at the right time, in the right place.

Changes and Future Delivery

67. It is envisaged that the Regional Co-ordination Function will operate as an enabler to operations working to the following principles:

(i) Places the Responsible Officer and the delivery of sentence at the heart of its operation.

(ii) Provides timely access to the best local services and experts to meet the identified need.

(iii) Works as an enabler, allowing the Responsible Officer to concentrate on the right things at the right time.
(iv) Works from an evidence-based approach to ensure we spend our money well.

(v) Provides the Region with simple, easy to access and easy to understand services, reducing complexity for both the Responsible Officer and the offender.

(vi) Creates the right conditions for voluntary organisations to be able to bid as local service providers.

**Intelligent Customer**

68. A Regional Co-ordination Function is predicated on the Dynamic Framework and the regional oversight of multiple contracts delivered on a regional and sub-regional footprint. Working in an Intelligent Customer capacity, it will actively co-ordinate supply and demand to ensure the Responsible Officer can have access to the right services at the right time.

69. The Dynamic Framework will be the means for NPS regions to access services for offenders both on community orders and those supervised on licence in the community, with the ambition that some services will eventually reach into the pre-release phases of sentence in England, offering Through-the-Gate. The Dynamic Framework will also be the anticipated sourcing vehicle for spending the Regional Outcomes Fund if appropriate.

70. The Dynamic Framework also provides accessibility for a range of different commissioning bodies, HM Prisons, Regional Authorities for Probation, HMPPS Wales, Welsh Government, PCCs, MOPAC and GMCA, Local Authorities, etc. It should be noted that commissioning bodies other than the Authority (HM Prisons, Regional Authorities and HMPPS Wales) can also buy services directly from the Framework or via co-commissioning arrangements with the Authority. The Framework will also be used to award both contracts and grants.

**Operational Support**

71. More broadly, a Regional Co-ordination Function will offer frontline efficiencies with a focus on service referrals and co-ordination of service delivery. The function will provide single point of co-ordination for all referrals, tracking and progress, chasing referrals and requirements to support accurate and timely commencement with the contracted provider as well as ensuring timely completion, enforcement and the effective escalation of issues with providers.

72. Embedded activity to support effective contract management and performance would include effective analysis of performance data to manage and enhance the existing service offer, while also ensuring appropriate data-flows support the development of future operational needs.

73. The Regional Coordination Function will also oversee the management of a digital catalogue of services, based on information from contracted providers as well as collating intel and local knowledge on no-cost provision.
Advice to Courts

Key Design Principles

- Advice to Court functions will continue to sit alongside existing NPS responsibilities which include the preparation of PSRs, review and enforcement proceedings for all offenders.

- We are committed to improving the quality of our advice to courts and PSRs to ensure proposals target specific interventions and treatment requirements that will facilitate reduced reoffending.

- We want to support efforts to reduce the use of short term custodial sentences by ensuring effective targeting of fuller reports for complex cases including women, black, Asian and minority ethnic offenders (BAME) or those at greater risk of short term imprisonment.

- We will review the training for staff in court to ensure that those who represent the Probation Service are confident in the advice they provide and increase sentencers’ confidence in community sentence requirements known to be more effective at reducing reoffending.

- We want to improve local and national court liaison arrangements so that sentencers are confident about probation services and the delivery of community sentences; are aware of the range of effective interventions being delivered or commissioned by probation and are assured of the quality and effectiveness of those services.

Changes and Future Delivery

74. We will revise the ratio of different report types to promote improved risk assessment and pre-sentence advice.

75. We will reduce the percentage of oral reports on women, BAME offenders and those at risk of short-term imprisonment to improve the quality of assessments, identification of offending related needs and the targeting to appropriate interventions⁸.

76. We will improve the targeting of offenders to sentence requirements specifically in relation to treatment requirements and rehabilitation requirements, and ensure appropriate engagement with liaison and diversion services.

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⁸ Evidence from the Lammy Review, HMI Probation Thematic Reports and other research demonstrates the disproportionality in sentencing outcomes for women and BAME offenders which result in more short term custodial sentence. The increase in cases sentenced without a PSR or with an oral report may entrench that disproportionality further. From published statistics in 2017 / 2018, 66% of PSRs for women were oral reports compared with 57% for men. Only 1% of standard delivery reports were prepared for women compared with 4% for men. There was a higher percentage of oral reports for white offenders (59%) than BAME offenders (average 50%), although the overall total of all standard delivery reports was similar at 4%.
77. We will develop a resource model that will allow for community Responsible Officers to prepare some PSRs on current/complex cases where they have been adjourned for sentencing.

78. We will also aim to interview a percentage of offenders (post-sentence) at court to pick up on vulnerability and to quickly engage those who will need support following their court appearance\(^9\). We will establish the criteria for those we will target for this post sentence interview and the resources required to support this work.

79. We will improve the training, staff supervision and continuous professional development of court staff.

80. We will improve the ICT systems for court staff so that they are able to access the different systems and applications from a single sign-on. We will facilitate improved recording of information and subsequent access to that information that will be available across the whole probation system.

81. We will have harder contractual levels in new provider contracts to give regular and up-to-date information on their services, projects and programmes including evaluation information on the efficacy.

82. We will require the NPS to set up and facilitate more regular sentencer liaison meetings and to include contracted providers so that sentencers get first-hand information on service provision.

\(^9\) Evidence from the data on Deaths following Police Contact show that annually 60 sex offenders will commit suicide following arrest or conviction:
https://policeconduct.gov.uk/sites/default/files/Documents/statistics/deaths_during_following_police_contact_201718.pdf\).
Offender Management

Key Design Principles

- Offender Management is at the core of Probation Services. It requires the effective delivery of the sentence of the court, ensuring service users subject to community orders, suspended sentence orders, licence and post sentence supervision (PSS) are properly supervised, requirements are delivered, risks managed and enforcement action taken after non-compliance. A sequence of tasks and functions make up the offender management system and therefore define the Responsible Officer role.

- To encourage compliance and continuity, the service user will be allocated to their Responsible Officer within five days of sentence to allow a better match to a comprehensive assessment of their risks, needs and responsivity and, where possible, the service user will remain with the same Responsible Officer throughout their order.

- The minimum of face-to-face monthly meetings will remain with telephone contact to support these monthly meetings - not replace them.

- Home visits will be mandated where there are child protections / domestic abuse issues and this includes all identified risk levels.

- Management oversight will be used more effectively including in Professional Judgement decisions and acceptable absence decisions.

- The Responsible Officer will act as broker, commissioning work related to reducing reoffending or reducing harm.

Summary

83. Offender Management is at the core of the delivery of probation services and requires the Responsible Officer to ensure the effective delivery of the sentence of the court. The key aims of the Responsible Officer are to ensure offenders that are subject to community orders, suspended sentence orders, licence and PSS are properly managed, requirements are delivered, delivery takes account of protected characteristics, risks are managed and enforcement action taken after non-compliance. This will include working with offenders in prisons in preparation of the start of their licence period.

84. The future design of Offender Management seeks to ensure models of delivery which promote the continuity of Responsible Officer for the offender, sufficient levels of face-to-face offender contact to manage risk and need, and proportionate post-sentence supervision focussed on rehabilitation.

Changes and Future Delivery

85. Unifying offender management will reduce some of the complexity of the current system and ensure it is delivered in the most efficient manner. Cases will continue to be allocated based on risk and
need but there will be fewer hand-offs in the system. This will improve our ability to manage cases where risk of serious harm has escalated, without the need for a transfer of the Responsible Officer and it means we can provide greater continuity of organisational oversight – addressing other key themes raised during the consultation.

86. Under the proposed future model there would be one organisation responsible for both managing community sentences and offenders pre and post release from custody as well as providing recommendations to sentencers at court. Responses to the consultation indicate that this could potentially improve sentencer and public confidence in offender management in the community, providing greater visibility over the scope and outcomes of probation work and our wider ambition to reduce the use of short custodial sentences.

87. The courts and then the Responsible Officer, on behalf of HMPPS, will balance the need to deliver the sentence of the court (including the need for appropriate punishment) with preventing imminent harm or reoffending and supporting the long-term goal of individuals living positive, non-offending lives in the community. They will use a mixture of the following techniques:

(i) **Restriction**: external control e.g. imprisonment – aimed to prevent someone from carrying out illegal and especially harmful activity when they are unable or unwilling to do so themselves.

(ii) **Sanctions**: imposes consequences for poor choices – e.g. additional Unpaid Work hours and breach action – to promote compliance.

(iii) **Skills acquisition**: enable better choices – e.g. Thinking Skills Programme, relationship and literacy skills. These can be formal elements of the sentence (with sanctions for non-attendance) or additional access to experts able to assist the individual.

(iv) **Opportunities**: allowing the offender to make good choices and use (new) skills to give long term desistance, e.g. employment, housing etc.

**Case Allocation**

88. We will develop a new case allocation criterion for the proposed future model that will reflect the risk, needs and responsivity of cases and match those with the skills and experience of the probation Responsible Officer.

89. A new case allocation criteria and tiering framework will be developed for the future model. We want to improve the recording of cases for allocation by simplifying the administration requirements at court, improving the ICT systems and reducing duplication of recording. It is anticipated that a new digital service will be introduced to ensure recorded data is available from National Delius\(^{10}\)/OASys\(^{11}\) and available to prisons and probation.

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\(^{10}\) National Delius (nDelius) is a browser based, NPS case management system, designed to include the required probation business logic and appropriate security. It contains all adult offender related information, pre-sentence, community orders, custodial sentences pre and post release, offenders in approved premises and some young offenders with Unpaid Work requirements.

\(^{11}\) OASys is an integral part of the work probation officers do in assessing offenders; identifying the risks they pose, deciding how to minimise those risks and how to tackle their offending behaviour effectively. OASys is designed to help practitioners to make sound and defensible decisions.
90. Information for case allocation may also be enhanced for some individuals who will have had a post-sentence interview at court and will also reflect new national and local protocols with Police and Social Services in relation to arrest, domestic abuse call-outs and safeguarding information.

**Continuity**

91. There is a significant volume of research available, which evidences the importance of the development of positive relationships between the offender and Responsible Officer in supporting the path to desistance, and continuity of the Responsible Officer is an important part of this. There is some inevitability that there may need to be changes in the Responsible Officer, due to staff turnover or changes in role and during longer custodial sentences but, for consistency, this should be kept to a minimum and there should be appropriate handover processes in place to manage change.

92. Key changes for future continuity of delivery include:

(i) Operating models, which deliver continuity of Responsible Officer.

(ii) Each offender will have a single clearly defined Responsible Officer, responsible for delivery of risk management and sentence plans allocated according to their risk and need.

(iii) Offenders will be allocated and managed based on their risk of serious harm, risk of reoffending, sentence and need.

(iv) The provision of management information regarding changes of Responsible Officer.

(v) Offender Management Practice guidance will be made available for Responsible Officers by HMPPS which will include best practice on continuity, buddy systems and appropriate handover.

**Frequency and Form of Contact**

93. Face-to-face contact by the Responsible Officer with offenders is essential to developing an effective working relationship which, in turn, promotes desistance. Effective management (including pre and post-release supervision) of the order or licence and its requirements will minimise the risk of serious harm and reduce reoffending.

94. Key changes for the future frequency and form of contact include:

(i) National Standards and HMPPS practice guidance will be revised to detail minimum contact levels and good practice including suggested frequency and form according to risk and need.

(ii) National Standards will require a minimum of monthly face-to-face contact between the Responsible Officer and the offender. This is the absolute minimum and cases should be managed at levels appropriate to risk and need.

(iii) There will be an assurance metric to monitor appointments attended and management information available covering appointments offered and attended.

(iv) Telephone contact may be used to support monthly face-to-face contact but this will not be instead of face-to-face contact.
(v) Video calling will be allowed for a maximum 50% of contact. This will count towards the monthly face-to-face contact minimum. The impact of this will be evaluated.

(vi) National Standards will require that home visits be undertaken to manage risk and need, and to facilitate offender contact in cases assessed as high risk and/or where there is an identified safeguarding or domestic abuse risk.

(vii) Application for early revocation of all applicable community orders where requirements have been completed.

Risk Assessment and Risk Management

95. We will revise our policy on risk assessment, risk review, escalation and management to reflect the proposed future model. We want to ensure case management principles are applied right from the very first allocation of the case; that risk assessment and risk management activities take place when changes have occurred that require a review; that cases are discussed with line management and robust risk management plans are developed that mitigate and manages the identified risks; that the case continues to be managed by the most appropriate probation staff member along with the necessary support management and oversight. We will also develop quality indicators for risk assessment, risk management and the development of sentence plans, reviews and termination evaluation.

96. We want to maintain the principle of case management continuity for the vast majority of cases. We know that Serious Further Offence Reviews have shown that communication can break down when cases are transferred, often resulting in the loss of important information. Transferring a case from one Responsible Officer to another when an individual is at a critical point will disrupt the professional relationship and can create further barriers to effective risk management. That is why our future policy for the allocation of cases will be based upon utilising staff with the appropriate level of competence and training who will be more able to manage cases when dynamic risk factors increase and who know when and how to review risk assessments, develop robust risk management plans and refer to a senior probation officer for further advice and support when necessary.

Risk of Serious Harm Policy and Guidance

97. We will undertake a review of current guidance and operational practice regarding assessing, developing appropriate risk management plans and reducing potential risk. We will develop our ICT systems to provide a more holistic method of recording risk assessment from pre-sentence and throughout the sentence. New systems will facilitate better sharing of information between probation and prisons, recording of sentence plan, risk management plans and the delivery of objectives.

National and Regional Risk Management Oversight

98. Whilst there will be no contractual requirement for cases to be transferred between organisations when risk of serious harm levels increase, there will still be national operational policy and procedure for cases to be reviewed by a senior probation officer and there will be risk management options considered including case transfer to a more experienced officer. Each region will have an Assistant Chief Officer responsible for public protection who will have
oversight of risk management activities within their region. We want to create a set of policy guidelines which allows for more consistency nationally across probation regions and to ensure as much case management continuity as possible given the adverse implications that can occur when cases are moved from one member of staff to another.

**Sentence Planning**

99. In future, our policy and guidance for sentence planning will facilitate a more streamlined approach to assessment, providing flexibility for the different types of sentence requirements. The structure of assessments will include the latest evidence of What Works (including where there are gender-specific differences) and, drawing on evidence around the role of families and significant others in supporting rehabilitation and learning from desistence theories and practice.

100. Assessment information will be accessible across the system in the community as well as in prison and assessments and plans will include greater involvement and engagement of offenders. We will learn from the systems and applications that CRCs have developed and will utilise the knowledge and experience of our practitioners from CRCs and the NPS in developing sentence plans that are engaging for individuals, promoting motivation to change and engage and adhere to the sentence requirements.

101. We will build upon the evidence that demonstrates that greater involvement of service users with sentence planning is more effective at achieving successful sentence delivery and reducing reoffending.

102. Our aspirations for risk assessment and sentence planning will be supported by new ICT developments which will initially focus on day-one requirements but will be designed so that they can be further developed and built upon in order to achieve a comprehensive up-to-date system that will transform our assessment practice and support the improved management of offenders and the ultimate reduction in reoffending.

103. We will develop with digital colleagues and practitioners a new assessment that will rationalise the current different layers of OASys assessments. We will build on the current development of a new sentence plan that will be appropriate for every type of sentence that requires probation management. We aim to develop a new offender self-assessment that will be included and considered within the assessment and the development of the sentence plan.

104. We will require the initial sentence plan (for all community sentences) to be developed and completed within 15 days of sentence. We will replace some of the timeliness measures for planning with quality measures and will require a minimum of six-monthly reviews as well as regular recording of progress on sentence plan objectives.

105. We will include the assessment of suitability for Unpaid Work placements as a section within the flexible assessment that can be completed and referred to Unpaid Work providers during the ongoing assessment process. We will ensure that the assessment and sentence plan for Unpaid Work requirements will identify offending related needs that can be addressed through non-enforceable activities, offending related needs that could result in a new requirement and education/training needs that could be addressed during an Unpaid Work placement.
Enforcement

106. Enforcement of orders and licences is an important element of offender management, to ensure risk is managed and the sentence of the court is delivered. The use of professional judgment decisions is an important tool for the Responsible Officer where appropriate decisions need to have a clear rationale recorded in the case record with appropriate management oversight.

Key changes for future enforcement include:

(i) Revised National Standards and HMPPS Practice Guidance will be provided detailing required enforcement and the use of professional judgment.

(ii) There will be an enforcement quality measure for the NPS.

(iii) The rationale for Professional Judgment decisions will be required to be recorded on the case record.

(iv) The requirement for management oversight after three acceptable absences will be required as part of national Standards and recorded on the case record.

(v) Acceptable and unacceptable absences will be monitored through management information.

Post Sentence Supervision

107. The Offender Rehabilitation Act 2014, Section 2, created a period of post-sentence supervision (PSS) after licence for people serving custodial sentences of more than one day but less than two years. All people released from custody are subject to at least 12 months supervision. The total supervision period (licence plus PSS) begins at the end of the custodial part of the sentence and ends after 12 months from the date of release. 12 months comprises the period on licence plus whatever PSS is required to make up 12 months. The purpose of PSS is rehabilitation and the change was intended to offer rehabilitation services to a group of service users with high need and high risk of reconviction. Although PSS has extended probation provision each year to approximately 40,000 extra offenders sentenced to less than twelve months in custody, PSS has been criticised due to lack of proportionality to the sentence, lack of rehabilitative focus, and increase in enforcement and committals to custody.

108. Key changes for future post-sentence supervision include:

(i) Availability of a suite of rehabilitative interventions for licence and PSS.

(ii) Sentence planning by the Responsible Officer will be strengthened pre-release for both licence and PSS, with the focus for PSS solely on rehabilitation.

(iii) Cases will be managed according to their risk and need and contact levels will be appropriate to this. PSS cases are excluded from the minimum monthly contact requirement given its sole purpose is rehabilitation.

(iv) Practice guidance will be provided by HMPPS to provide clarity on the purpose and expectations of PSS.

(v) Where cases have no rehabilitative need and are assessed as low risk, a process will be put in place whereby the Responsible Officer may refer to the line manager for agreement of
suspension of the Responsible Officer’s face-to-face contact with oversight undertaken by telephone contact.

**Working in Partnership**

109. Working in partnership with other providers and agencies is key to successful delivery of offender management, including appropriate information sharing to meet need and manage risk.

110. Key changes for future partnership working include:

   (i) Timely and appropriate safeguarding and domestic abuse checks and information sharing.

   (ii) Responsible Officer’s will work in partnership with other key agencies to manage some cases under local Integrated Offender Management (IOM) or Whole System Approach arrangements and support the delivery of reducing reoffending plans as part of Community Safety Partnerships or other local/regional partnership arrangements.

   (iii) Responsible Officers will support PCCs in their delivery of restorative justice.

   (iv) Work with the Youth Offending Services to ensure timely and supportive transition to adult offender management.

   (v) Work with other local partners, including with health and social partners to provide continuity of support as part of wider efforts to support rehabilitation, including on release from custody.

**Timely Case Transfers**

111. When an offender moves from one area to another it is important that the transfer of the case is done in a timely manner and risk is managed at all times.

112. Key changes for the future of timely case transfers include:

   (i) National Standards will require transfers to be completed within 20 business days with management oversight required where it exceeds this timescale.

   (ii) Practice guidance will be developed to cover case transfer.
Unpaid Work

Key Design Principles

- Quality and locality of placements provided by the provider are a key aspect of the desired overall quality of Unpaid Work service delivery. This placement information and any other relevant information will be made available to the NPS for use by both the Responsible Officers and the Court Officers supplying advice to court for sentencing.

- To place a service user on to an appropriate placement that meets the needs of that service user and the local community, the NPS needs to provide all of the relevant risk and need information. To enable the NPS to deliver quality assessments and the provider time to source quality placements to match risk and need, the provider will have up to one month to start the service user on their first work placement.

- Unpaid Work should be delivered to the service user within their local area/community.

- Travel time will be kept to a minimum so that service users are both working in their local area and spending more of their hours working rather than travelling.

- Up to 20% of a service user’s hours can be used on Education, Training and Employment (ETE) if a need is identified. This is currently underused so an emphasis is placed on ensuring that those service users that need it undertake ETE provision.

- A review of each case will take place at the six-month stage of the requirement if it is not yet completed. Both the NPS and the provider will be expected to carry out a review at that stage or before if it becomes clear that the service user is not completing hours at a reasonable rate. This then leads to the completion of hours on a requirement within the 12-month period allowed.

Summary

113. Unpaid Work is a requirement attached to a community or suspended sentence order. It can also be made as part of a supervision default order and enforcement order, but cannot be a licence condition.

114. Unpaid Work is one of the most commonly used requirements and requires offenders to undertake Unpaid Work in their community. Courts can impose between 40 and 300 hours, reflecting the seriousness of the offence.

115. Unpaid Work can be delivered in a group or one-to-one setting. Examples include gardening, painting and decorating, waste clearance and charity work. Work should benefit the local community, and the views of local people and stakeholders should be considered when identifying potential work placements.

116. Work cannot directly replace paid employment and providers cannot profit directly from the work but can generate income to contribute to the cost of delivery, e.g. materials.
117. Unpaid Work can be used by the courts as a punishment as it deprives individuals of their free time and provides reparation to communities. It can also support rehabilitation by instilling a work ethic and routine, teaching co-operation and work-related skills, equipping individuals with skills and experience that can help improve their employability and promoting reintegration into the community.

118. Where an offender has an ETE related need, up to 20% of the Unpaid Work hours can be used to undertake ETE related activity.

**Changes and Future Delivery**

119. Under the future model Unpaid Work will be provided by an Innovation Partner from the voluntary or private sector. The proposed changes to Unpaid Work seek to improve the quality of delivery of the requirement and increase sentencer confidence in the delivery of the sentence of the court. This will be achieved through ensuring quality assessment and induction, the availability of sufficient placements within the local community, delivered by staff who are appropriately trained. Providers will be expected to work closely with the Responsible Officer to ensure timely enforcement action is undertaken, ensure completion of hours within the 12-month period, while maximising rehabilitation opportunities through targeted use of ETE services.

**Availability of Quality Placements**

120. Providers are required to provide sufficient numbers of group and individual placements in the locality to meet demand, risk and need, including for offenders who pose a high risk of harm. Females will be offered the opportunity not to be placed in all male environments and appropriate placements will be sought in the local community to meet their diverse needs, including childcare responsibilities.

**Stand-downs**

121. The practice of stand-downs, where an offender reports for work but is ‘stood down’ due to lack of placement availability can be very demotivating and could impact on compliance. This undermines confidence in the sentence as well as making it more difficult for the offender to complete the required hours within the legal timeframe.

122. Providers will be required to ensure sufficient placements are available to avoid the use of stand-downs.

**Local Placements**

123. A greater emphasis will be placed on the importance of local placements, re-emphasising the importance of project nominations from groups and individuals within local communities. Liaison arrangements with the PCCs, Community Safety Partnerships and other community forums will be developed by the provider to ensure that community leaders and local officials fully understand the contribution that Community Payback can make to local initiatives. New and innovative work placements are expected to be continually developed, seeking to ensure that all sections of the local community have an opportunity to benefit from the work delivered through Community Payback.
Starts timescales

124. The NPS Responsible Officer will be responsible for undertaking the risk and needs assessment, Unpaid Work Assessment and Sentence Plan. The timescale for the start of the work placement will be extended to ensure there is sufficient time to complete a quality assessment to enable the provider to source appropriate placements in the locality to meet offender risk and needs.

Assessment and Planning

125. A full risk and needs assessment and Unpaid Work assessment will be completed by the NPS after the first appointment with the offender. The Unpaid Work assessment will indicate the type of placement most appropriate for the offender, any specific requirements or restrictions including use of 20% ETE and the expected rate of delivery which, for intensive orders, may be a target to build towards. The provider will use this information to source appropriate quality placements to meet the offender’s risk and needs. The Sentence Plan completed by the NPS will reflect the Unpaid Work assessment.

Unpaid Work Induction

126. Providers are required to provide an induction to Unpaid Work prior to commencement of the first work session. Induction is an important session in which the contracted provider will give the offender information about Community Payback rules, health and safety and their responsibilities and rights.

The use of Education, Training and Employment (ETE)

127. Unpaid Work provides the opportunity to engage offenders in learning in a practical setting and 20% of the Unpaid Work hours can be used to undertake employment related training, which is currently underutilised. All offenders will be assessed for ETE needs at an initial assessment by the Responsible Officer and the 20% allowance will be maximised by the provider who will be required to source placements that can develop personal and practical employment related skills for offenders with ETE needs. The requirement of intensive working for unemployed offenders will remain but with additional flexibility to build up to the 28 hours a week requirement, based on need and in recognition of potential barriers such as learning difficulties.

Enforcement Action

128. Timely enforcement of Unpaid Work Requirements is essential for sentencer confidence and delivery of the sentence of the court.

129. Enforcement decisions and appropriate action will remain with the Responsible Officer within the NPS. The provider will be required to inform the Responsible Officer in a timely manner of any failures to attend or other compliance issues so that enforcement decisions can be swiftly made.
Unpaid Work Review and Completions

130. The legal requirement to complete an Unpaid Work Requirement within a 12-month period remains. Providers will be required to have appropriate systems in place to ensure completion of hours within the timescale and to review progress of requirements to ensure appropriate action is taken.
Diagram 4: The Process for Unpaid Work Under the New Mode

Key:
RO  - Responsible Officer
UPW  - Unpaid Work
Resettlement Model

Summary

131. The new future resettlement model is designed to address the well-documented challenges with the current Through the Gate (TTG) model, including the issues identified by the Inspectorates for Probation and Prisons in their thematic reports as well as the Justice Select Committee. We have also listened carefully to the responses to our Consultation Paper, as well as from first hand feedback from probation and prison staff, users, service providers, stakeholders and PCCs about their experiences of the current TTG. In 2018, the MoJ invested £22m per annum to further stabilise and improve TTG delivery through an enhanced TTG specification delivered by CRCs in prison, which started from 1 April 2019 and runs until the new arrangements go live. We want to ensure that we build on the additional investment we have put into existing TTG delivery as we move to future arrangements, while recognising the potential for developing clearer processes and accountabilities for delivery.

Changes to Future Delivery

132. Changes to future delivery are being made across the prison estate over the next few years, including introducing reception and resettlement prisons and new prisoner flows to encourage movement and progression between the Wales and England adult prisons. Additionally, the installation of video conferencing centres in some reception prisons will lead to an increased number of hearings, including sentencing hearings, taking place via video. By 2023 we anticipate the majority of individuals on a prison sentence will be released from a resettlement prison. Other prison reforms include the implementation of offender management in custody (OMiC) by 2019 which will see long-term prison sentences managed by prison based offender managers and supported by practical tasks with keyworkers (prison staff on residential wings). The resettlement prisons will also have more core services provided inside them and these will include: employment and education suppliers, enhanced physical and mental health casework, including G.P. registration, family support services and advanced housing and benefit claims support. A small number of prisons will also pilot enhanced accommodation schemes. Governors working in the prison can purchase other additional services from inside the prison.

133. Offenders eligible for Home Detention Curfew (HDC) may be released ahead of their automatic release date and Ministers have recently announced changes to allow greater use of release on temporary licence (ROTL) for resettlement purposes.

134. The key design features of the unified resettlement model are focused on tackling the problems with the current TTG model and strategically aligning to ensure a sustained fit with wider changes across policy and delivery for probation and prisons. To guide our design work, the principles we adhered to are as follows:

(i) Removing duplication of roles and tasks between TTG and offender management in prison and community.

(ii) Enhancing pre-release planning by community Responsible Officers.

(iii) Providing through the gate, not to the gate focus by adjusting our approach to reach-in to prepare for when individuals come out.
(iv) Tailoring services so they meet an individual’s needs, behaviours and circumstances and specifically relate to transition and community reintegration.

(v) Investing in more non-mainstream services post-release, e.g. mentoring in the places users are released to and not just to where the prison is based.

(vi) Providing a single accountable person with a single sentence plan to oversee and coordinate all services, pre-and-post release, from prison into the community.

(vii) Strategically aligned to fit and sustain new prison and probation arrangements in the future.

New Resettlement Model in detail

135. The new resettlement model consists of two parts or functions. The first is part of offender management within the community. It is the Responsible Officer role and includes pre-release assessment and sentence planning as well as overseeing, identifying and coordinating the right services to meet a resettling person’s needs, behaviours and circumstances. The second function covers the type of services or interventions accessed and made available on and before release from prison, as well as during move-on from an approved premise and the Bail, Accommodation and Support Service (BASS).

136. The new model removes TTG as a separate role and function, by moving resettlement tasks to the community Responsible Officer role who becomes responsible and accountable for resettlement (as well as rehabilitation, public protection, licence etc) for all offenders before release with the responsibilities continuing after release until end of sentence. The community Responsible Officers will be required to undertake OASys assessments at the start of the pre-release stage, to support HDC and ROTL, including a pre-and-post release sentence plan, preparing a tailored resettlement pack, as well as engaging with offenders in prison throughout the pre-release stage. We expect community Responsible Officers to make prison visits, phone calls, make use of prison video conferencing facilities and have regular and wider engagement with prison senior probation officers and offender managers, prison keyworkers and providers working with an individual in prison. They will also be required to specify clearly the services required for each user to instruct the regional co-ordination function to provide these services either in prison before release, to start from the prison gate or after release in the community where the individual will live. There will also be enhanced support and contact with the community Responsible Officer for a short time after release from prison. This is to ensure individuals have immediately accessed the right services since release and barriers to services are speedily unblocked.
Resettlement – Short Sentence Focus

137. Community Responsible Officers will have a tighter grip on those serving short prison sentences. To ensure this happens, we are looking to create short sentence teams or functions within the 12 probation regions. The role and focus of the team is to prioritise work for those on shorter sentences to ensure services are sustained and provided, relationships are built and transitions are supported, as effectively as possible. One of the difficulties for probation previously has been staff balancing priorities with demanding prison and community caseloads and probation staff accessing users on their caseload while they are in prison. We want to minimise the risk of this re-occurring by creating a specific function for short prison and community sentences and having groups of staff dedicated to working with those allocated to them while they are serving a short sentence in prison.

138. The emphasis on short term prison sentences, including recalls, also derives from the disruption caused from services being stopped or suspended while individuals are in prison and the time it can take for these services to reboot and restart. For example, suspending benefits can take up to two months to reinstate after someone is released from prison. Our intention for those given very short prison sentences (four weeks or less to serve) is to identify an individual's core needs (such as benefits, housing tenancies, job, wellbeing etc.) at the earliest point from sentence. This aims to ensure that what happens in prison reception aligns with court processes and the role of the community Responsible Officer, with the maximum amount of time given to assess and plan for the release and consider ways to support those individuals soon to be released.
Resettlement – Different Groups; Different Prisons

139. While different men and women serving different prison sentence lengths in different prisons will have a range of needs, we also know from users’ experiences that housing, benefits, emotional wellbeing, money, adjusting to family life, including being reunited with dependent children, knowing who is supporting them and what is on offer are key areas we need to get right in the new model. While the prison reconfiguration programme will ensure adult males are released from reception and or resettlement prisons in the future, the new model for resettlement is agile enough to adapt to releases for male and female adults from other prisons including, for example, foreign national and training prisons should this be necessary. We are in the process of completing equality impact assessments on the different elements of design on different groups.

Resettlement – Offender Management in Custody (OMiC) Alignment

140. The OMiC project aims to deliver transformational improvements to the way we support and manage individuals through their sentence. We want our prisons to be places where staff and individuals alike feel safe and secure and where those in our care are supported and challenged to make the most effective use of their time in prison to best prepare them for release. The OMiC project key principles include the following:

(i) Moving responsibility for Responsible Officer work from the community into the prison for the duration of the prison period for those serving longer-term sentences.

(ii) Providing significant investment in keyworker support so that front-line prison staff can focus on building relationships with individuals in prison to support them to change their lives.

(iii) Prioritising allocation of resources to support individuals in prison based on risk, sentence length and complexity.

(iv) Ensuring staff delivering offender management work in prison are suitably skilled and supported; and avoiding duplication by integrating all case management functions.

(v) Ensuring there is a handover between prison offender management and the community Responsible Officer in a timely, planned and robust way.

141. The new Resettlement model has been designed with OMiC in mind. OMiC will play a vital role in making our adult prisons safer for those on remand and serving sentences in prison and for staff working in prison, by providing a supportive and enabling environment. In 2017 HMPPS received £100m for the implementation of the new model which includes 2,500 additional prison officers, as well as additional NPS staff, to ensure there are sufficient resources in the prisons to engage with individuals to help them use their time in prison constructively and support them to access the necessary services in prison. During 2019 OMiC will transfer accountability for community Responsible Officer roles and tasks from the NPS into the prisons, enabling prison governors, rather than probation directors working in probation regions, to be directly responsible for the delivery of offender management for individuals on long sentences (serving more than ten months). The workforce to do this in prison will be a mix of prison staff and probation officers with senior probation officers from the NPS overseeing the prison based teams.

142. The relevance of OMiC to resettlement is that the accountability for OM roles and tasks, (including resettlement assessment and planning of services) will always sit with NPS in the community once all sentenced individuals reach the pre-release resettlement phase of the
sentence). The timings for the pre-release stage for those on longer sentences is still to be determined with work ongoing between the probation programme and OMiC and prison reconfiguration team. It is assumed that resettlement services will be provided by third sector providers via the dynamic framework.

**Resettlement – Remands**

143. Remanded individuals will be allocated to a keyworker in prison and supported with practical tasks as well as encouraged to access the services provided in the prison where they are based. It is yet to be determined whether remands will also be eligible for support to transition from prison in to the community via the short sentence team in each probation region.

**Resettlement – Services Offer**

144. Our service intent for those being released from prison is to ensure services are place based. This means, where possible, we want services to be delivered where the user is living in the community with some flex for services, such as mentoring, to be delivered during pre-release or from the prison gate. We want to avoid procuring services that start and end in prison without some continuity of service considered after release or which duplicate other services or responsibilities. We will only procure services that are not already part of the core offer in our future reception and resettlement prisons across England and Wales.

(i) **Accommodation** - sustaining tenancies; deposit schemes; tenancy support; bond schemes; specialist support for those with mental health needs; tenancy readiness courses; registration and referrals; grants to furnish.

(ii) **Employment and Training** – suitable employment / training placements; building interview skills; CV and application writing; work clothes; employment readiness courses; disclosure advice; specialist support for those with mental health needs; apprenticeships.

(iii) **Substance Misuse** – links with local drug and alcohol providers in prison and from the community.

(iv) **Mentoring/Coaching** – structured intervention pre-and/or from prison gate to support, motivate and advocate, including supporting attendance at appointments.

(v) **Resettlement Pack** – provided by community Responsible Officers, to give practical information and instruction for release, e.g. photo identification, maps, appointments, information about the Responsible Officer they will be working with etc.

(vi) **Mental Health** – provided by prison and community healthcare; address trauma; advocacy; dual diagnosis; personality disorders.

(vii) **Personal and Social Health** – strengthening family and significant others as well as community ties, including reuniting offenders with dependent children.

(viii) **Finance, Benefits, Debts** – pause to sustain or to make new applications; opening bank accounts; budget planning; debt management; gambling support.
Resettlement – Transition

145. Work is being progressed to unpack and plan for the new resettlement model being ready from the go-live date. We still have design choices to make in relation to how we de-risk the transition from the current enhanced TTG to the new resettlement model. We envisage that the essential core features of day-one delivery includes:

(i) Resettlement services delivered on the dynamic framework.
(ii) Community-based short sentence teams within the NPS.
(iii) Unified offender management in NPS, including pre-and-post sentence planning.
(iv) Offender management in prison (OMiC).
(v) Ways to identify and act on services to be sustained for short termers.

Diagram 6: The Transitional Arrangements for Resettlement
Rehabilitation

Key Design Principles for Interventions

- Rehabilitation is a primary function of probation. We seek to ensure that all service users, irrespective of where they live, receive well-targeted, well-designed and well-delivered interventions that maximise their chances of leading crime free lives.

- For those on community orders and suspended sentence orders, the role of the NPS is critical in ensuring the proposals in Court reports identify the interventions most likely to reduce the risk of reoffending. For those on Licences, interventions need to be available that will support their resettlement and enable a successful transition back into the community.

- Accredited programmes are the intervention of choice for those who are eligible.

- Optimise use of Community Sentence Treatment Requirements (MHTRs, ATRs, DRRs).

- We want to enable the Responsible Officers to focus on the key offender management activities and to be able to access interventions which meet the criminogenic needs of their cases.

- We intend to mandate a core set of interventions that will be available for those with a RAR and for those on Licence. These interventions will address the areas of need either strongly associated with reoffending or to provide the stabilisation an individual needs to focus on other issues.

- In selecting interventions, we intend that Risk-Need-Responsivity principles are followed. This will include both strengths-based, and trauma-informed approached where relevant. These interventions will have various levels of intensity to reflect the varying complexity and acuteness of need that is commonly occurring in the probation caseload. The number of days proposed will reflect this and, within this, delivery should be individually tailored to reflect a person’s progress.

- We want to see evidence that providers will tailor design and delivery of these interventions to reflect the needs of specific cohorts where the evidence shows that different approaches improve outcomes. The cohorts in scope are: women, young adults, those with learning disabilities and BAME groups.

- We are not seeking interventions that meet the same needs as Accredited Programmes or Treatment Requirements.

- We wish providers to have flexibility in designing interventions that will meet clear outcomes in relation to each need area. Whilst the core needs are frequently occurring, we acknowledge that regional variations in terms of existing service provision and barriers to needs being met will mean that the design and delivery of the interventions may vary. The focus needs to be on the specific role of probation providers in either removing barriers and facilitating sustained engagement with statutory services or in the delivery of activities where such services do not exist.
Summary

146. The future design of rehabilitative interventions seeks to ensure that offenders receive appropriately targeted, quality interventions that maximise their chances of leading crime free lives. To help achieve this, the performance framework will emphasise outcomes and focus on quality of delivery. The payment mechanism will secure average payments for delivery of rehabilitative interventions. There will also be guidance about the RAR and the role of the Responsible Officer as well as an expectation of training and support for staff to enable them to deliver high-quality interventions.

Diagram 7: The Intentions Around Accredited Programmes and other Rehabilitation Programmes Under the New Model: Targeting at Court
Table 1: The Core Suite of Rehabilitation Interventions

<table>
<thead>
<tr>
<th>Need area</th>
<th>Outcomes sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
<td>Accommodation is obtained/ sustained. Homelessness is prevented.</td>
</tr>
<tr>
<td>Employment/ Training/ Education</td>
<td>Suitable employment/ training/ education obtained/ sustained. Barriers removed and skills increased.</td>
</tr>
<tr>
<td>Finance/ Benefits/ Debt</td>
<td>Stable and lawful income, debt reduced, skills to manage finances improved.</td>
</tr>
<tr>
<td>Attitudes/ Thinking/ Behaviour</td>
<td>Ability to identify triggers and skills and strategies to respond to challenging situations.</td>
</tr>
<tr>
<td>Family and significant others</td>
<td>Safe and positive intimate relationships. Improved family relationships/ parenting capacity.</td>
</tr>
<tr>
<td>Lifestyle and Associates</td>
<td>Pro-social support and interests. Decreased influence of negative associates.</td>
</tr>
<tr>
<td>Emotional Management</td>
<td>Improved coping skills and strategies. Improved ability to comply with treatment/ medication.</td>
</tr>
<tr>
<td>Non-dependant alcohol misuse</td>
<td>Improved ability to manage high-risk situations.</td>
</tr>
</tbody>
</table>

**Specification of Non-Accredited Interventions**

147. We intend to mandate a core set of interventions that will be available for those with a RAR and for those on Licence or Post-Sentence Supervision. These interventions will address the areas of need either strongly associated with reoffending or which provide the stabilisation that an individual needs.

148. Allocation of resource will follow risk-need-responsivity principles. Therefore, in relation to the RAR, PSRs will include a proposal for an overall number of RAR days that reflects the risk of reoffending (determined by OGRS in the majority of cases). This supports the principle that rehabilitative input should be proportionate to the risk and seriousness of reoffending. Post-sentence the Responsible Officer will allocate the RAR days and will select the interventions that address the most significant areas of need linked to re-offending.

149. Interventions will be delivered at an intensity that reflects the varying complexity and acuteness of need that is commonly occurring in the probation caseload. An individual may have a combination of acute and less severe needs and the Responsible Officer will allocate the number of activity days to reflect this.

150. Equally, when these interventions are being selected for post-release cases, ROs should consider the assessed risk of reoffending and agree with the individual which needs should be prioritised.

151. We expect providers to ensure that interventions are responsive to people’s circumstances and characteristics and place a particular emphasis on the needs of women, BAMEs, young adults and those with learning difficulties and challenges, including care leavers. It is our expectation that all interventions will be delivered by skilled and trained staff whether they be working for a private or voluntary sector organisation.
152. The interventions will focus on the specific role of probation providers in either removing barriers and facilitating sustained engagement with statutory services or in the delivery of activities where such services do not exist. We will define the outcomes that the interventions should seek to secure.

153. We will enable staff to record non-accredited intervention delivery to reflect the number of days/sessions, the needs addressed, and interventions selected, the activity undertaken, and the outcomes secured.

154. We are considering options for an assurance model that assesses the extent to which the design and delivery of interventions meets evidence-based principles.

**Treatment Requirements**

155. A significant proportion of offenders have health needs requiring some form of treatment. CSTRs can help to tackle these problems. The recent commitment in the NHS Long Term Plan to expand the CSTR pilot\(^\text{12}\) which is based on a protocol with the Department of Health and Social Care, NHS England and Public Health England will support an increase in the numbers of eligible cases being made subject to CSTRs.

156. In addition to the expansion of the CSTR pilots we will look at all options to enable identification of appropriate cases at court and for the necessary assessments to be undertaken.

157. We will further specify the appropriate support from Responsible Officers for offenders undertaking CSTRs. We will also be clear about our expectations in relation to the exchange of information to/from the Responsible Officer and treatment providers. This is needed to manage risk and maximise compliance.

Accredited Programmes

Summary

158. An Accredited Programme is a programme which has been accredited by the Correctional Services Accreditation and Advice Panel (CSAAP), an advisory body for the MoJ who accredit programmes and provide independent evidence base advice on the development of criminal justice services. Accreditation indicates that the programme has been independently assessed as being based on the best available evidence and likely to be effective if well-implemented. The programmes that CSAAP accredit are typically interventions that address entrenched anti-social thinking, attitudes and behaviours that lead to reoffending. Accredited Programmes are a requirement of a Community Order or Suspended Sentence Order and can also be delivered in custody and on post release Licence.

Changes and Future Delivery

159. We want to ensure that the NPS identify all eligible cases at the pre-sentence stage and to propose an Accredited Programme when there are no barriers to attendance. Whilst we will maximise pre-sentence proposals for Accredited Programmes, we will nonetheless maintain an option for identification of eligible cases post-sentence and delivery under a RAR. It is our priority to ensure that only people assessed as eligible undertake Accredited Programmes.

160. We want to build confidence through a delivery model which secures the consistent timely delivery of core Accredited Programmes in locations which meet the needs of offenders.

161. Innovation Partners will deliver both Thinking Skills Programmes (TSP) and Building Better Relationships (BBR). Both programmes will be subject to impact evaluation in 2020. The NPS will maintain responsibility for programmes for people convicted of sexual offences as well as for offenders convicted of extremism or related offences. We will, however, encourage the delivery of additional Accredited Programmes where there is an identified need, if Innovation Partners are able to demonstrate a secure delivery model, which ensures timely access to the programmes.

162. Innovation Partners will be required to deliver new Accredited Programmes as they become available and have the potential to design, develop and test new programmes in partnership with HMPPS.
Cohorts and Vulnerable Offenders

163. The MoJ, as a public authority, is required by the Equality Act 2010 to have ‘due regard’ to the aims of the public-sector equality duty (PSED) when making decisions and when setting policies. The PSED requires that public bodies have due regard to the need to:

(i) Eliminate discrimination against people on the basis of protected characteristics.

(ii) Advance equality of opportunity.

(iii) Foster good relations between different people when carrying out their activities.

164. We are also committed to ensuring that the impact of organisational change on all affected employees is carefully considered. Understanding if there are particular impacts on those with different ‘protected characteristics’ is an important part of complying with this duty and it is also good practice.

165. Consideration of the implications of our changes to probation for protected groups has been an ongoing exercise throughout the development of our plans. It has also been the focus of a dedicated workstream aiming to understand the implications of any change for groups with protected characteristics; to ensure the decision over future delivery of services takes account of these implications and to place support for vulnerable groups at the centre of the new arrangements.

166. To inform our understanding of the groups most affected by probation work we have taken an evidence-led approach. As well as drawing on volumetric data and knowledge of ‘What Works’ research, we have also engaged with stakeholders and heard the views of service-users. This has helped us begin to identify particular vulnerable cohorts who require specific consideration within the reforms.

167. Our research has also confirmed some gaps in the data, something that stakeholders have highlighted and which was central to the Lammy Review. This is something we are keen to address and the Government’s response to the Lammy Review accepted his finding in this respect.

168. The Chief Inspector and other partners have been critical of practice in this area. Moving forward we are conscious of the need to specify clear standards in more detail when contracting services for vulnerable groups to ensure that equal treatment is central to delivery. We will seek to find the right balance between clear specification of standards and sufficient flexibility for local and regional innovation to flourish.

Policy Development Process – Drawing on the Consultation Response

169. Our proposed reforms provide an increased focus on particular cohorts of vulnerable offenders so the question of equal treatment is at the centre of the changes we are making. In addition, we have taken steps to consider equalities throughout the policy development process, beginning with the public consultation on future arrangements.

170. As part of the public consultation we specifically asked respondents for their views on how we can ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation. Five key points emerged:
(i) The consultation told us to ensure that each offender has a personalised sentence plan and a tailored approach and that we are always dealing with individuals, whatever cohort they belong to. A number of correspondents pointed out that criminogenic needs must be considered alongside protected characteristics and that interventions should be matched to risk.

(ii) A focus on particular cohorts must not be allowed to mitigate against a whole system, problem-solving approach. While there is a need for some specialist services to respond to diverse groups, those needs are often best met if all mainstream services are sufficiently responsive and flexible. That might include having mental health workers or those with knowledge of learning difficulties and disabilities embedded within teams.

(iii) The relationship with the supervisor/probation officer is key. That requires time and training in the particular needs of each cohort, including continuous professional development. Often needs are not known when cases are received. Even obvious needs such as homelessness, substance misuse, or trauma (e.g. domestic abuse), for example, will only be disclosed if there is time and space for a relationship to develop.

(iv) Often the best delivery mechanism is outside probation and more use should be made of the voluntary sector. Voluntary sector groups, in particular, thought probation staff alone could not be expected to deliver diverse services and must call on them to do so directly without a complicated delivery mechanism to negotiate. The same groups suggested that training of probation staff on particular cohorts should be done via community groups who had first-hand, lived experience of the specific cohort needs.

(v) Finally, we heard that much is in already in place but underutilised. Much greater use should be made of mental health treatment requirements and drug and alcohol treatment requirements. Using peer support and expanding mentoring schemes were very effective and do not need to be expensive. Collecting and publishing feedback from service users could be relatively inexpensive and would generate insight and a powerful feedback loop. Local schemes often need to be nurtured and need more time to become embedded and prove their value.

171. The focus on vulnerable cohorts of offenders, including those with protected characteristics, should ensure that future probation arrangements are an improvement on current arrangements. Where the Government has already made commitments to female or BAME offenders (i.e. via the Female Offenders Strategy and the response to the Lammy Review) we will seek to build these into the design of new arrangements, whether this is through directly delivered or through contracted provision. For other groups, such as those with learning disabilities or young adults with low maturity, we will establish more consistent assessment of need via screening and health assessment tools. For prolific offenders we will ensure continued investment and engagement in local IOM schemes. Finally, we will make resettlement services available to foreign national offenders where they are likely to be released in the UK.

Promoting Equalities Considerations in Future Workstreams

172. We will now begin to develop more detailed plans for implementation, including operational guidance for staff and the commercial framework for procuring interventions. We will ensure that the impact of our changes on vulnerable groups, including those with protected characteristics, is given priority consideration as the new system takes shape. As part of this work, we are committed to:
(i) Rigorous data collection, monitoring and analysis (including the recommendations from the Lammy Review) to ‘explain or reform’ any disparity.

(ii) A workforce strategy which emphasises equalities in both the training and the continuous professional development offer (including specific training on working with female offenders); one that ensures that the workforce is skilled in working with specific cohorts, such as women; and one which focuses on workforce diversity - including ambitions and schemes to advance under-represented groups into management and senior leadership roles.

(iii) Culturally competent practice / service design, including the commitment to the HMPPS Equality Strategy that all new interventions / services have an explicit focus on equality in their design.

(iv) Services and interventions that are most likely to meet the rehabilitative needs of female offenders. This will mean ensuring that services are gender and trauma informed and are designed by, or in consultation with, experts in this area.

(v) A supply chain which includes the voluntary, community and specialist sector where they have experience or expertise in providing services to minority groups in the justice system, such as the third sector women’s centres, especially when under supervision in the community.

(vi) Improved governance, leadership and scrutiny, including the appointment of senior leaders with responsibility for the elimination of disparities, following the example of our Executive Director for Probation and Women.

173. The following paragraphs expand on these commitments in more detail.

Data Collection

174. There are nine protected characteristics that fall within the Equality Act (2010): sex, race, disability, age, sexual orientation, religion and belief, gender reassignment, marriage and civil partnership, pregnancy and maternity. As part of the strategic equality analysis, we have worked with all stakeholders to consider the impact on offenders with protected characteristics. However, the outcomes of local reviews will need to consider the impact at a micro level. In addition, we will support carers in MoJ and understand the impact of social mobility. We will consider the impact on these groups.

175. Current data on protected characteristics needs improvement, and forms a key part of our new approach of driving performance improvement. We aim to address the varying quality of data recorded by the CRCs as we move core offender management to the NPS creating a central function that should allow for data to be recorded more efficiently and in a standardised form. For example, the NPS has implemented a standard data collection form for offenders as part of the PSR.

176. We are also keen to establish a strong evidence base on reoffending, to help us better understand the needs of re-offenders and how best to work with them. Reducing reoffending is a core aim of the Probation Service and the MoJ and this has informed recent plans for short-sentencing reform. There are some significant evidence gaps and the currently defined prolific cohort is so large and variable that more research is needed before specific recommendations can be made to the probation programme.
Workforce Strategy

177. In terms of our reforms to the workforce, we know that more effective workforce planning and a more formalised framework for training and professional development has the potential to help to promote equality of opportunity. In particular, this may help to advance younger probation staff (a disproportionately high volume was transferred into the CRCs). We also know that mandating training requirements and a professional development framework may impact on staff who work part time and/or who have significant caring responsibilities. We need to review the staffing data from CRCs and NPS to understand the precise profile of protected characteristics and, while we remain confident that the benefits of professional development outweigh any adverse impacts, we will nevertheless need to look at mitigation for the staff identified above.

178. The MoJ has several overarching policies to promote Diversity and Inclusion in place, including the Social Mobility Action Plan. Diversity and Inclusion will be a key consideration as staff are moved into the NPS, and we plan to ensure that any changes encourage Diversity and Inclusion, creating a workforce that reflects our society.

179. More detailed analysis of impacts on the workforce will be undertaken as proposals are developed.

Service Design and Contract Tendering

180. Evaluation questions that form part of the Invitation to Tender will emphasise the need for bidders to appropriately consider the equalities impacts. We have agreed to implement a pass/fail criteria in assessing any application, meaning that no bid can succeed unless we are convinced that providers can meet their Public-Sector Equality Duty obligations. This will require any potential bidder to describe in specific and measurable ways how they will provide services that show a clear understanding of the specific needs of groups of offenders such as women and the delivery landscape.

181. For instance, for Unpaid Work we will ask bidders to describe how they will meet the needs of offenders with protected characteristics and, in particular, how they will find a suitable placement for those with low maturity, learning disabilities or language difficulties. Where a woman has childcare responsibilities, we will ask how they will ensure that she is provided with local employment options that do not involve excessive travel time. We will also require that female offenders are not placed in all-male work environment.

Monitoring and Review

182. We will continue to monitor the development of policy and service design to ensure that we fully consider the equalities impact of any changes or proposals.
Workforce

Summary

183. Staffing, and having an appropriately trained and motivated workforce across the probation system, is crucial to reducing reoffending and protecting the public. We will not be able to do this without our staff being engaged and providing a quality service.

184. We need to equip our probation staff to deliver the probation reform agenda, across both the NPS and CRCs and to develop the capability of the workforce to ensure the effective management of offenders.

Current Challenges Across CRCs / NPS

185. There are many challenges facing the probation workforce. These include:

(i) High workloads for staff and limited scope and incentives for joint workforce planning across the system.

(ii) Low staff morale, a sense of being undervalued and the de-professionalisation of probation.

(iii) Recruitment and retention issues in some areas of probation.

(iv) Inconsistent and undefined training pathways across the system.

Changes and Future Delivery

Professional Agenda

186. For many, probation is a vocational profession with many staff spending their whole careers in the profession. Probation practitioners have worked hard to gain the knowledge, skills and qualifications required for their role and every day probation staff work with the utmost professionalism and purpose managing a range of risk and personal responsibilities.

187. The professionalism of probation staff is not in any doubt but we want to take this opportunity to ensure that probation is recognised as a profession by others just as nurses, doctors, and social workers are recognised. Ensuring that we have the right number of staff with the right level of skills and expertise is key to delivering a quality service and we want to make sure that staff are provided with the support needed for their ongoing professional development. We want to support our workforce so that they are able to respond to ongoing changes in their caseloads and to adapt to changing technology and wider developments.

188. We intend to go further than we set out in the consultation and we are exploring different models for setting and monitoring qualification requirements and practice standards with requirements for fitness to practice and continuing professional expectations. This includes considering the best models for continually building the evidence-base for probation practice, and integrating that into
learning and development provision. Our ambition is for statutory recognition of the profession with models of independent regulation as used by other public service professions.

189. We are clear that our professional model will ensure that staff who are suitably qualified are supported in gaining the tools and opportunities for a long and effective career. This work presents an opportunity to promote the professionalism of those working in the probation service - evidencing lifelong learning and showing that our staff are experts within the field of probation. It also provides an opportunity to ensure that those who are unfit to practice are not entitled to work in the probation system, increasing confidence from key stakeholders and the public that we can effectively manage offenders in the community and reduce reoffending.

190. Timelines for implementation of this activity will be developed alongside wider departmental priorities and a separate programme has now been established to manage delivery of this ambition.

**Training**

191. The current contract for probation services requires the provider to supply a ‘suitably competent and trained workforce’ without specifying further detail of what this means in practice. This has led to inconsistent standards of training taking place across providers and it impacts on the quality of the service delivered.

192. In future we will require that all staff acting as Responsible Officers have a mandatory probation qualification. This will be at level-three for staff working as a Probation Service Officer and at level-five for staff working as a Probation Officer. In collaboration with CRCs we are also developing these qualifications into apprenticeships and planning how we can transition staff on to these new requirements.

193. We will also require providers of the delivery of interventions to have adequately trained staff for the roles that they will be performing and a professional development offer to support their workforces.

194. Within the NPS we will need to ensure suitable training is available to support transition. This will include a training package rolled out and available for both NPS and CRC staff as we transition to a blended caseload to ensure that all staff are prepared for dealing with a mixed caseload. We will also need to ensure that CRC staff moving into the NPS are fully inducted and supported into the NPS and the civil service.

**Workforce Planning**

195. We will implement a standard framework for Offender Management of low, medium and high-risk offenders to ensure all grades of staff have the capacity to manage risk and need. This will build upon the existing NPS workforce planning processes to adapt to changing caseload volumes and complexity, ‘What Works’ research, and geographical variation.

196. It is anticipated that the proposed future model will provide increased opportunities to manage workload demand and development from a mixed risk caseload, with clear benefits for trainee and newly qualified Responsible Officers.

197. For the delivery of interventions, we will require providers to have a sufficient level of staff and ensure that their workforce is competent and adequately trained. We will also be updating the
management information required by the Authority so that we have sufficient information to regularly review and monitor workforce requirements and training across the system to ensure suitable capacity and capability.
Digital and Technology

Key Design Principles

- We should collect and store relevant information and it should be immediately accessible to anyone who might need it for good risk and case management and to ensure well-planned and targeted interventions.
- We should only collect information once and store it in one place.
- We should use technology efficiently and minimise the cost burden of information collection, retention and sharing.
- We should make data easily available for analysis.

Summary

198. We plan to significantly invest in digital services for the benefit of all probation users, collecting the right data to support more effective evidence-based decision-making. We will make sure the information held on our systems is relevant for the user and readily accessible for analysis and/or for good risk and for case management and to ensure well-planned and targeted interventions. We will, wherever possible, only collect information once and store it in one place, using technology efficiently and minimising the cost burden of information collection, retention and sharing.

Changes and Future Delivery

199. All probation services will directly use the appropriate elements of the offender management and risk assessment systems and new digital services provided by the Authority. The main systems in use currently are:

(i) OASys: The risk and needs assessment tool used across prison and probation services.
(ii) National Delius: The NPS case management system.

200. At the end of the current contracts, we will enable delivery partners to use the same core systems and digital services in use by the NPS from their own appropriately secure infrastructure. It is expected that specific changes to current systems will be required to support the delivery of interventions by third party delivery partners under the proposed future model. Work is needed to establish the most effective way of sharing required information to support delivery and contract management.

201. Digital services will be developed in accordance with the Government’s Service Standard, using newer technologies that better reflect the evolving needs of users and provide appropriate protection of personal data. We will ensure services always meet the minimum viable needs of their users and then seek to drive efficiencies and improvements across probation. We have
already begun improving our systems through the introduction of new microservices such as Search and Short Format Reports.

202. System changes will need to support the new organisational structures, payment mechanism and performance frameworks. There will be a long-term aim to enhance the use of data to enable more data driven decisions to be made at a strategic level and by individual probation officers using our systems.

203. CRC staff transferring to the NPS will require a move onto Authority provided ICT infrastructure, including devices, applications, network services and telephony. This is due to the CRC contracts terminating and we will need common technology services to support the NPS under the proposed future model.

204. This more unified approach will enable staff across offender management (and any delivering services) to share a common core set of applications, processes and data. This is expected to support better communications and a more joined-up service.
Performance Framework

Summary

205. To ensure we have a probation system which commands confidence, supervises offenders effectively and protects the public, and gives offenders the support they need to lead law-abiding lives, we are developing a new performance framework across both the NPS and contracted providers to support three key objectives:

(i) **Focus on Quality** – rebalancing the focus from processes to quality delivery by introducing new quality measures and strengthening provider quality assurance.

(ii) **Incentivising outcomes likely to reduce offending** – by capturing improvements related to offending over which providers have an element of control and for which there is evidence of a link with reduced re offending.

(iii) **Getting the Basics Right** – by holding the NPS and contracted providers to account on sentence delivery and protecting the public and, therefore, promoting sentencer confidence in probation delivery.

Changes and Future Delivery

206. The measures for Unpaid Work support the design intentions that sufficient quality placements are provided to meet the risk and needs of all offenders and to enable them to complete Unpaid Work in their local area within the legal requirement of 12 months. The performance measures will focus on timely starts and completions of Unpaid Work hours, and minimise the impact of cancelled sessions (stand downs). There will also be a focus on the quality of delivery, including ETE provision for those offenders who need it.

207. For Accredited Programmes, the measures support the design principles that (i) Accredited Programmes are the intervention of choice for eligible cases, and that (ii) for offenders whose risk and needs are below the level at which an Accredited Programme is required, a core set of interventions will be available through the dynamic framework. The focus of the performance measures will be on getting eligible offenders onto Accredited Programmes promptly, and to complete them. We will hold providers to account on how they enable offenders to complete programmes, how compliance is secured and how they meet equalities requirements.
Section E: How the Future Model Will Differ in Wales

208. As set out in the consultation, our proposals in Wales intend to build on the structures which have already been established to reflect the distinct partnership arrangements arising from devolution. The Government of Wales Act 2006 (as amended by the Wales Act 2017) recognises that there is a single legal jurisdiction of England and Wales and lists justice matters which are reserved to the UK Parliament, including offender management. However, the Welsh Government has legislative competence in respect of devolved matters including health, housing, social welfare and education, and this presents a different delivery landscape for probation services in Wales. The justice devolution settlement allows for distinct arrangements for probation that meet the needs of Wales.

209. HMPPS in Wales is configured differently to reflect this, with its structure combining prison and probation services within one directorate and alignment in the geographical area, with the existing NPS division being co-terminus with contracted provision. We intend to build on these strong arrangements to implement our future strategy in Wales, which, as set out in our proposals, will see responsibility for offender management services sitting within the NPS. We also intend to put the provision of additional services and interventions out to tender so that a range of providers and voluntary sector organisations are able to compete to deliver them.

210. Since the consultation HMPPS in Wales has continued to work closely with the Welsh Government, the PCCs and other key stakeholders in Wales to ensure we capture how our services can best meet our shared objectives and align with existing arrangements. We are considering the landscape in Wales, including consideration of Welsh legislation, Welsh language and other priorities identified in our design work to date. In doing this we will seek to reduce duplication in existing services and encourage partners to design, develop, commission and deliver in an integrated way. We have had positive engagement with the market in Wales and we will continue to work closely with potential providers as we refine our proposals.

211. The Executive Director for HMPPS in Wales already has responsibility for all probation services and prisons in Wales and this will remain unchanged.

212. Our plans are more developed in Wales and changes will, therefore, progress quicker. We anticipate that offender management cases and staff in Wales will move back into the NPS (from the CRC) by the end of 2019. Other services will be delivered by Seetec (the current provider) and its supply chain until procurement is launched for those services to be delivered in England and Wales for those services to be delivered from Spring 2021.
Next Steps

213. This document will support the period of market and stakeholder engagement that commenced in May 2019 as we finalise our proposals.

214. We will continue to consult with stakeholders and the market on how services will be packaged within competitions and we will develop further detail on the design for future services that will then underpin a more detailed business case.

215. This Operating Blueprint will form the basis of a more detailed Target Operating Model that will be developed as we continue to engage with the market in the development of the solutions and commercial models over the summer and early autumn, prior to the launch of competitions.

Probation Reform Programme

19 June 2019
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