



HM Prison &
Probation Service

Update to the Draft Target Operating Model for Probation Services in England and Wales

Probation Reform Programme

June 2020

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Section One: Introduction



1. Introduction

- 1.1. This document accompanies the announcement in June 2020 of changes to the Government's plans for probation reform to reflect the impact of COVID-19. It outlines where proposals contained in the draft Target Operating Model, published in March this year, will need to change to reflect the revised approach.
- 1.2. The draft Target Operating Model detailed a mixed market approach to probation reform whereby:
 - All Sentence Management would transfer to the National Probation Service (NPS);
 - Unpaid Work and other definable interventions that could be delivered at scale would be contracted out to Probation Delivery Partners; and
 - Specialist rehabilitative and resettlement support would be delivered through smaller, more local contracts via an overarching Dynamic Framework.
- 1.3. In response to the significant impact of COVID-19 on probation operations, we have had to review this approach to place probation services on a more stable footing to respond to any further disruption and enable swift recovery and transition to a reformed probation service.
- 1.4. Even prior to the new challenges placed on the system by COVID-19, there was a pressing need for reform. Additionally, the central role that probation services play in an effective criminal justice system that protects the public means that it is imperative that we do all that we can to implement change in June 2021 as planned. We are therefore taking the decisive step to streamline the reforms to secure their implementation for June 2021.
- 1.5. This streamlined approach will prioritise transfer of all Sentence Management into the NPS as detailed in the draft Target Operating Model but will remove one of the three pillars of the future system, Probation Delivery Partners.
- 1.6. We are stopping the Probation Delivery Partner competition and bringing these services into the NPS as a pragmatic step to gain control of our response to this unprecedented crisis, as well as streamlining the path to reforms for June 2021. We will of course, seek to retain and build upon the best of the progress and innovation that has been achieved through private sector delivery.
- 1.7. We recognise that there are areas where the NPS has limited experience and expertise, so it is important that we retain a role for specialist providers to deliver rehabilitative and resettlement support. Our ambition remains to contract with providers to deliver these

types of interventions via the Dynamic Framework. The flexibility of commissioning through a Dynamic Framework means that we can develop richer service provision once the new system is up and running.

- 1.8. Our ambitions for the reforms have not changed from those outlined in the draft Target Operating Model:
 - Better use of community sentences as an alternative to custody;
 - Increased judicial confidence and influence in the court setting;
 - A higher quality service;
 - Increased collaborative working within our organisation and strengthening our work with partners;
 - Developing our workforce;
 - Greater flexibility enabling us to drive change across the system and meet changes in demand where required.
- 1.9. The revised model puts us in the best place to be able to deliver these ambitions. It will facilitate more strategic and integrated probation supervision through fostering close collaboration with strategic partners including local courts and Police and Crime Commissioners.



**Section Two:
Overview of the
revised model**



2. Overview of the revised model

- 2.1. The table on the next page provides an overview of the key aspects of the new system described in the draft Target Operating Model and how these are impacted by the revised approach. Significant changes are then described in more detail at section 3 below.
- 2.2. As outlined in the draft Target Operating Model, there will be a transition period to the new model to embed the changes following implementation in June 2021 (Day 1). We are taking a 'lift and shift' approach to the transfer of CRC arrangements as far as possible to minimise any further disruption caused by COVID-19 and to secure services for Day 1. We would then seek to refine the model post Day 1 to reflect our ambitions around improving the quality and outcomes of our services including building up partnership working to support this.
- 2.3. This approach gives us more flexibility in these uncertain times. It enables us to set the pace of recovery from exceptional delivery models and to do so more effectively by transitioning straight out of these into implementation of reforms.

Summary of changes under the new model

Aspect of model	Key proposals outlined in draft Target Operating Model	Change under new model
Delivery of Sentence Management	Responsibility for the management of all individuals subject to probation services moves into the NPS through integration of CRC and NPS Sentence Management.	No change All Sentence Management activity will move into the NPS as of June 2021. Some changes to how we approach Sentence Management (e.g. Probation Practitioners having mixed caseloads) will necessarily need to be implemented post June 2021.
	Advice to court will continue to be a core duty of the NPS with increased focus on quality of assessment and pre-sentence reports.	No change Significant changes to this work, including amended pre-sentence report templates, will be implemented post June 2021.
	Transition from enhanced through the gate to a new resettlement model which improves links with prisons, enhances pre-release planning by Probation Practitioners and provides increased focus on short term sentences.	No change Much of the new resettlement approach will come into force in June 2021, but as with all aspects of the new model, there will be some elements that take time to bed in, for example, as we recruit and train up additional staff.
New Probation structures	Probation Services will be organised around 12 regions overseen by a Regional Probation Director with accountability for both NPS and contracted delivery.	No change All Regional Probation Directors are now in post and we are transitioning to the new structure.

New Probation structures	New regional organisational structures under Regional Probation Directors to ensure they have the right capabilities and functions in place to fulfil their responsibilities.	There remains a need for this and recruitment to business-critical posts pre-transfer is ongoing. However, the revised approach necessitates a review of organisational structures to ensure it is reflective of responsibilities for definable interventions that will now fall under the NPS.
	A new framework that creates incentives to drive improved performance across the NPS and contracted providers	Whilst our ambitions in relation to performance have not changed, the performance framework will require a shift in focus to reflect new delivery arrangements.
Working with partners to deliver effective probation services	Probation Delivery Partners will be appointed in each region to provide definable interventions at scale (Unpaid Work, Accredited Programmes and certain Structured Interventions).	We will no longer be appointing Probation Delivery Partners and definable interventions at scale will be delivered by the NPS following the end of current CRC contracts in June 2021.
	The NPS will maintain responsibility for programmes for people convicted of sexual offences as well as for those convicted of extremism or related offences.	No change
	Improved relevance, quality and locality of Unpaid Work placements.	No change The new model does not alter the improvements we want to make to Unpaid Work but, particularly in light of current Covid related disruptions and the resultant backlog, these will take some time to implement fully.

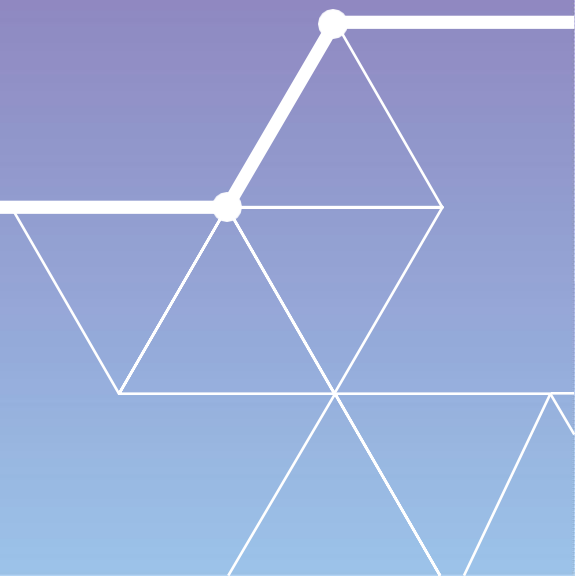
Working with partners to deliver effective probation services	Greater focus on suitability and eligibility for Accredited Programmes and the timely delivery of these in locations which meet individuals' needs.	No change As with Unpaid Work, improvements to the delivery of Accredited Programmes will be built up over time and not immediately in place for June 2021.
	There will be Structured Interventions for lower risk individuals not suitable for Accredited Programmes that focus on three areas of criminogenic need: Attitudes, Thinking and Behaviour; Domestic Abuse and Emotional Management. There will be a focus on eligibility, quality and locality of delivery of these.	A national Effective Interventions Panel will be convened to assess and approve current Rehabilitation Activity Requirements (RARs) delivered by the CRCs in the 3 need areas, for future in-house delivery by the NPS. RARs which do not meet these criteria will be rolled down
	A Dynamic Framework will provide additional rehabilitative and resettlement services that can be called off at a local level to respond to need.	Our ambition to bring specialist third party provision to deliver services that meet these needs remains. In procuring services for June 2021, we will focus on those categories of need where existing provision is less readily available, or where we have specific needs for the probation system. We remain intent on procuring all such services via the Dynamic Framework in the longer-term, and we will have alternative means to secure support for offenders in those categories of need that we do not procure up front. For example, where existing local commissioning arrangements are mature and can be extended to meet our needs. Longer-term, the Dynamic Framework will remain as a means for Regional Probation Directors to call off a wider range of rehabilitative and resettlement services to respond to local need.

<p>Working with partners to deliver effective probation services</p>	<p>Regional Probation Directors will have a key role in effective and responsive commissioning and delivery of probation services locally enabling better join up with other commissioners and providers of related services.</p>	<p>No change Regional Probation Directors will continue to have a critical role in more responsive commissioning and building improved links with the wide range of organisations that impact probation services within their regions. The need for a suitably skilled contract management function, to oversee delivery of services by providers through the Dynamic Framework, also remains.</p>
<p>Modernising our estate and technology</p>	<p>Rationalise and modernise our non-residential estate to support service delivery.</p>	<p>No change This objective remains unchanged but as the new model will see a large number of additional properties transferred into the estate, our approach to achieving this will need to be revised. We will also need to consider the effectiveness of ways of working adopted to respond to the Covid disruptions and, as part of recovery work, consider how we adopt practices that have worked well into the new model.</p>
	<p>Invest in upgrades to technology and better data recording and sharing to facilitate improvements to service delivery.</p>	<p>No change This objective remains and it was always the intention that improvements would be implemented over a number of years. The new model alters some of the focus for June 2021 (e.g. Removes need for systems interaction with PDPs and creates need for a scheduling tool and database for Unpaid Work placements, and Accredited Programmes and Structured Interventions by the NPS).</p>

Developing our staff	<p>Establishment of a Probation Workforce Programme to provide renewed focus on this area, including:</p> <ul style="list-style-type: none"> - Providing clarity about professional standards and expectations - Supporting development of Probation Practitioners and equip them with the right tools, skills and capabilities. 	<p>No change</p> <p>The Probation Workforce Programme has been set up and will shortly publish the Probation Workforce Strategy which describes how we plan to invest in and develop our staff. The Probation Reform Programme is working closely with the Workforce Programme to ensure that the new target operating model for probation aligns with the strategy.</p>
	<p>Staff will be transferred by staff transfer scheme(s) using the powers set out in the Offender Management Act 2007.</p>	<p>No change</p> <p>As outlined in the draft TOM, we anticipate that staff employed by CRCs are likely to be in scope for transfer. By cancelling the PDP competition, and bringing delivery of those interventions into the NPS, more staff will now be eligible for transfer into the NPS.</p>



Section Three: Further detail on changes



3. Further detail on changes

NPS delivery of Unpaid Work, Accredited Programmes and Structures Interventions

- 3.1. Under our revised approach to probation reform, Unpaid Work, Accredited Programmes and Structured Interventions will no longer be contracted out to Probation Delivery Partners but will instead be delivered by the NPS directly. We consider that bringing these services into the NPS will put us in the best possible position to respond to any further disruption caused by COVID-19 and enable a smoother recovery out of exceptional delivery arrangements we have had to put in place. These services have been delivered by probation services in the past and, as such, we have confidence in our ability to deliver these again.
- 3.2. Our approach for all these services for Day 1 will be to move existing CRC staff and delivery models into the NPS with the minimum disruption with ongoing work thereafter to embed and improve service delivery. The transition to a level of service as envisaged by the draft Target Operating Model is likely to take time given the backlogs to Unpaid Work and Accredited Programmes created by exceptional delivery arrangements as well as a likely spike in court orders once jury trials resume. This would be the case regardless of which organisation delivery sat with but we consider that bringing this work in-house gives us greater flexibility to deal with this.

Unpaid Work

- 3.3. The design intentions for Unpaid Work are primarily to address the issues with current delivery and to improve quality and sentencer confidence. Effective Unpaid Work placements are crucial in contributing to the Government's manifesto commitment to toughen community sentences.
- 3.4. We plan to achieve this through a focus on the following areas:
 - Quality of assessments;
 - Interface with Sentence Management;
 - Sufficient quality placements with increased focus on education, training and employment (ETE);
 - Local engagement and delivery;
 - Effective administration and recording.

- 3.5. As detailed in the draft Target Operating Model, the current requirement to commence work within 7 business days does not provide sufficient time to assess and place appropriately and allowing 10 business days for the completion of the Unpaid Work assessment form will enable a full risk and needs assessment. We had envisaged that this would then be shared with the Probation Delivery Partner to match to an appropriate placement and that, within 10 days, the Probation Delivery Partner would deliver a full Unpaid Work induction and instruction to attend a first work session.
- 3.6. As the revised model removes the interface between the NPS and Unpaid Work, it provides a new benefit for single requirement orders compared to the previous model as these can continue to be managed by Unpaid Work teams. This will facilitate efficient delivery of orders primarily focussed on ensuring Unpaid Work hours are completed and the removal of the interface will speed up the process, enabling the starts timescale to be reduced from 20 to 15 business days. The Unpaid Work assessment form completed by the Probation Practitioner will be incorporated into OASys and so there is no proposed change to the completion of this.
- 3.7. It remains a priority to increase the level and scope of work placements available to meet the requirements of the Court. Female service users will be offered a choice not to be placed in all male work environments and appropriate placements will be sought in the local community to meet diverse needs. Sufficient placements and some flexibility alongside other strategies will avoid short notice cancellation of work placements. It will be the responsibility of the Unpaid Work team to review all active cases at the 6 and 9-month stages of the Unpaid Work requirement to ensure all hours are completed within the 12-month period prescribed by the Court and to flag with Probation Practitioners where appropriate action is needed.
- 3.8. Whilst the main pathway to address ETE needs remains with the Rehabilitation Activity Requirement as a specific element of the sentence, considerable potential remains within the Unpaid Work requirement for on the job training and skills development that can support future employment opportunities. A feature that defines a 'good quality' placement is one that can utilise the 20% allowance for ETE activities for those eligible and as outlined in the draft Target Operating Model we plan a renewed focus on placements providing ETE. Under the revised model we intend to review ETE provision that CRCs have in place currently and how we might continue effective arrangements as well as seeking additional opportunities to secure improved ETE.
- 3.9. We will retain our commitment to limit travel time to Unpaid Work placements to a maximum of 90 minutes each way, of which a maximum of 60 minutes each way can be spent under supervision and credited against the sentence of the Court. CRCs are not always achieving this currently so further investment will be required in Placement Coordinators to source placements locally, undertaking local engagement and ensuring sufficient transport solutions. There are currently systems in place so that local people and community organisations can identify work projects for Unpaid Work teams to complete and these will need to be strengthened under the revised model, requiring Unpaid Work teams to actively seek the views of local people and organisations when adopting new Unpaid Work projects.

- 3.10. We recognise that we will also need to review logistics of Unpaid Work delivery including consideration of CRC estates and assets that we might need to meet locality requirements and how we capture relevant data on placements and scheduling from CRC systems and record this going forward. We will also need to consider how we manage administrative support for which there is not a uniform model under CRC contracts.

Accredited Programmes and Structured Interventions

- 3.11. Accredited Programmes are the intervention of choice for HMPPS, as they are supported by a robust evidence base. The NPS currently deliver specific Accredited Programmes (e.g. for sex offenders) which will ease the transfer of other Accredited Programmes to the NPS as there is already expertise in this area and we anticipate that there will be eligible staff for transfer with similar expertise. By bringing these under a single organisation we will also benefit from synergies in delivery of these programmes.
- 3.12. Eligibility and suitability checks will continue to be undertaken by the NPS to ensure those meeting the criteria get the opportunity to attend an Accredited Programme. Delivery of the Thinking Skills Programme (TSP) and Building Better Relationships (BBR) Programme in all regions can be achieved by the NPS. In the short term, other Accredited Programmes addressing needs such as Resolve and Building Skills for Recovery which are currently being delivered in some locations can continue, subject to review of the delivery suite by the Regional Probation Director to ensure local needs are met. Design intentions to meet equality requirements and timely completions can also be met through our revised approach and will be supported by the recently approved flexible delivery model, which allows for remote and one to one delivery to meet specific needs.
- 3.13. We stated in the draft Target Operating Model that the maximum time that an individual would be expected to travel to attend an Accredited Programme or Structured Intervention would be 90 minutes each way. To achieve this under the revised model we will need to secure suitable local accommodation that meets Correctional Services Accreditation and Advice Panel requirements. Further scoping of the CRC and NPS estates is required to understand whether this can be met through existing provisions as well as a review of those arrangements put in place by CRCs that will need to continue (e.g. providing drivers to transport individuals to interventions because of public transport challenges). As with Unpaid Work, we will also need to ensure we have appropriate systems and processes in place to provide a record of the delivery of interventions which can be quality assured.

Staff transfers and regional structures

- 3.14. We expect that CRC staff who deliver Unpaid Work, Accredited Programmes and Rehabilitation Activity Requirements in the three need areas which will become Structured Interventions will be assigned to transfer to the NPS, which will mean many

more staff coming into the NPS than under the previous model. There will be some staff in mixed roles which are part Sentence Management and part interventions where decisions on role allocation will need to be made.

- 3.15. To oversee and deliver this work we will need to have dedicated teams within the regional structure. Further work is required to determine roles and structures within these but we anticipate that there will be a new regional senior leadership role to oversee teams focused on Unpaid Work and Interventions. For Unpaid Work, we will need to consider arrangements for delivery of ETE and peer mentors, which in some instances may be sub-contracted under current CRC contracts. Similarly, for the delivery of the BBR programme, we will need to consider arrangements for the Partner Link Worker role which some CRCs currently sub-contract.

Revised approach to the Dynamic Framework

- 3.16. To support preparation of procurement activity, our development of the Dynamic Framework design had progressed since publication of the draft Target Operating Model. Under the previous model we had planned to let over 200 contracts at PCC level for rehabilitation and resettlement support for Day 1 in the following need areas:
- Accommodation;
 - Education, Training & Employment and Finance, Benefits & Debt;
 - Dependency and recovery;
 - Personal wellbeing;
 - Women's services;
 - Services for young adults in Wales.
- 3.17. Delivery expertise of much rehabilitation and resettlement support sits in the market as these services have not routinely been delivered by probation in the past. We consider that the Dynamic Framework continues to be the most appropriate mechanism to secure this. This is because it establishes the foundation for future procurement of these services locally and enables delivery of specific and consistent requirements.
- 3.18. We recognise though that the impact of COVID-19 on many organisations' ability to bid along with our own internal capacity to run the competitions, evaluate them and support mobilisation means that we need to revise the scope of what we can procure via the Dynamic Framework for June 2021.
- 3.19. To balance the need to reduce the complexity of our initial call-off plans with ensuring sufficient specialist services are still in place for Day 1, we have revisited whether alternatives are available in the short-term to avoid the need for call-off competitions across some categories of need for Day 1. For instance, for some of the original intended Day 1 scope, there are existing alternative sources of provision that Regional

Probation Directors are better linked into, and can commission or co-commission directly.

- 3.20. Our decision on what to continue to procure for Day 1 has been informed by the following considerations:
- Where statutory or alternative provision is weakest;
 - Ease of delivery in-house (including opportunity for co-commissioning by regional teams, staff skill-set and physical delivery capability – e.g. whether premises are required);
 - Current usage – both levels and how it is delivered;
 - Extent of need (e.g. is there a specific pre-release resettlement requirement as well as post-release rehabilitative need).
- 3.21. For Day 1 we have also considered where it might be appropriate to procure services at a regional level rather than at a PCC level, thereby reducing the number of lots and making delivery for June 2021 more viable. A regional approach does not preclude local delivery. We intend to discuss with Regional Probation Directors the geographical footprint required in their regions for effective service delivery and how we can facilitate this (e.g. co-location with probation offices), as well as considering locality and responsiveness of services in our evaluation of bids.
- 3.22. We will open qualification for all categories of need under the Dynamic Framework, even if some are no longer in scope for our initial phase of Day 1 procurement activity. This is important, as our ambition for a wide range of service needs to be able to be met via the Dynamic Framework remains.

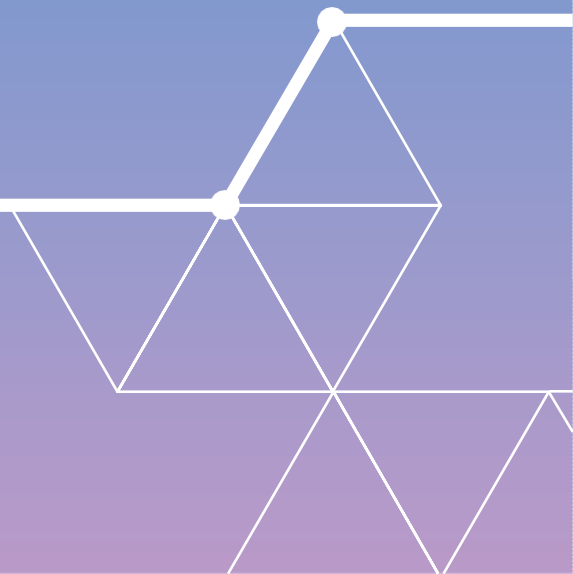
Impacts on staff

- 3.23. Supporting staff through this process is critical to its successful transition and delivery. Our approach remains to work closely with Trade Unions, current employers and staff to support the transition and minimise impacts on people's roles. Whilst we need to do a more detailed review, using updated data returns from CRCs around specific staff impacts of the new model, changes in respect of Unpaid Work, Accredited Programmes and Structured Interventions mean we envisage that staff currently delivering equivalent services under CRCs will be assigned to transfer to the NPS. This provides certainty for a significant group of staff that would otherwise have been reliant on outcomes of the Probation Delivery Partner competition to inform what would happen to them.
- 3.24. As outlined in the draft Target Operating Model, we will protect staff terms and conditions following transfer and most new staff compulsorily transferring into the NPS will be eligible to join the local government pension scheme post transfer. The exception is those who retain eligibility to participate in the civil service pension scheme.

- 3.25. The practicalities of bringing an increased volume of staff from an increased number of employers into the NPS will necessitate renewed Trade Union negotiations and longer lead in times for enabling activity such as payroll build and testing and vetting. It is also likely to mean that we will need to focus on getting fundamental requirements in place for Day 1 and implement further changes such as restructuring post transfer. As part of the transition we will ensure that those staff moving into the NPS are fully orientated and supported.
- 3.26. The establishment of a separate workforce programme, working in close collaboration with probation reform, to develop and build our workforce is in recognition that our people are our most valued asset. We acknowledge the likely increase in training needs created by this change and remain committed to identifying and addressing learning, development and experience gaps for our staff.
- 3.27. We recognise the anxiety that staff will be feeling around change to this new system and want to be able to support them through it. This includes providing stimulating work that motivates and engages staff. We want to build a positive work environment that attracts, retains and develops skilled people and champions positive behaviours and practices. We intend to publish our Workforce Strategy shortly, which will set out intentions in more detail and ensure that wider changes happening in probation go hand-in-hand with positive changes for our workforce.



Section Four: Next steps



4. Next steps

- 4.1. We will very quickly reprofile the probation reform programme to reflect the revised model. This will include reprioritising resource to those areas that will support a smooth transition and reviewing key milestones to June 2021 and beyond to ensure successful implementation and embedding of the changes.
- 4.2. We intend to publish an updated version of the Target Operating Model for the future of probation services early in 2021 to provide further detail on the new system, informed by the changes that we have announced as well as the opportunities presented by new ways of working that we have had to introduce as a result of COVID-19.
- 4.3. We will develop a revised illustration of the changes to support engagement with colleagues and stakeholders to promote awareness and participation in the future changes.
- 4.4. We will continue to work with senior leaders within NPS and CRCs to explicitly address the culture(s) we currently have and what we are aiming for in the future. This work will be inclusive and recognise the diversity of our workforce and delivery.
- 4.5. We will continue to engage closely with stakeholders and partners across the criminal justice system in developing our plans.



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