



Ministry
of Justice

Strengthening Probation, Building Confidence

Response to consultation

May 2019

CP 93



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of Justice

Strengthening Probation, Building Confidence Response to consultation

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

May 2019

CP 93



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Foreword

Our criminal justice system works to make us all safer by reducing crime and, in turn, the number of victims. It serves to punish those who have broken the law in a meaningful and proportionate way and supports offenders to turn away from crime. The role of probation is crucial in delivering this and it is essential that we have a probation service that is stable and commands the confidence of the courts and the public as a safe and viable alternative to custody.

Probation services have a long history of providing the right kind of interventions that are effective in helping offenders to turn their lives around, reducing reoffending and protecting victims. 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. I have spoken about my ambition for smart justice, that means looking beyond prison and the short-term custodial sentences that we know are ineffective so that we can look instead at the types of community alternatives that we know are better at supporting offenders to turn away from crime for good.

There is much that is good in our current delivery, and overall re-offending rates are continuing to come down, but it is clear that the probation system as a whole has not been working as it should. The changes made through the Transforming Rehabilitation reforms have done much to bring in benefits from the private and voluntary providers. However, there have been challenges in capturing the complex functions delivered by probation services in contracts. We also have not fully realised our ambition to see the voluntary sector as a key provider of probation services. Added to that, too many offenders are not being seen regularly enough or consistently by the same probation officer.

We have taken important action where necessary, for example, last summer, announcing plans to end current Community Rehabilitation Company contracts early. In reviewing the whole system, we have also looked carefully at what needs to improve, as well as at what is working.

Our changes are designed to make the system work as effectively as possible now that it is handling 40,000 short sentenced prisoners who previously received no support before the introduction of Transforming Rehabilitation. In the future, the National Probation Service (part of HMPPS which is an executive agency of the Ministry of Justice) will have responsibility for managing all offenders on a community order or licence following release from prison.

However, Transforming Rehabilitation showed that real partnership working between public and private sectors can drive innovation. We want to continue to bring in the

expertise and innovation of the voluntary and private sectors, through the delivery of interventions – such as Unpaid Work, Accredited Programmes and wider resettlement and rehabilitative interventions, with the clear expectation that the National Probation Service (NPS) will source these services from the market. Each NPS region will continue to have a private or voluntary sector partner - an Innovation Partner - responsible for direct provision of unpaid work and accredited programmes, and 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. Contracts will be designed flexibly, so that innovative approaches that show results can be quickly identified and spread across the wider system.

This clearer set of responsibilities, will reduce duplication and improve clarity and accountability whilst ensuring that we make the best use of wider provision and secure the innovation that the private and voluntary sector can bring. It will build on the benefits brought by these different providers, including developing an enhanced role for the voluntary sector. These changes will build on the strengths of the current system, including the improvements in the consistency of core probation practice achieved by the NPS when compared to the position we inherited from 35 Probation Trusts.

Alongside these structural changes, I want to ensure that our staff's professional service is supported by ongoing continuous professional development and recognition through an independent statutory register for probation professionals. This will help ensure there is a shared identity and culture amongst all staff who will be in the NPS in the future.

There will be challenges introducing further changes to the probation system, including disruption for staff. However, this strategy is about ensuring we have the right model in place for the long term. It is important that we get this right and essential we take the time to implement this change effectively. We will work closely with current providers and staff to support planning for the transition to the future model.

I am grateful to all those who have contributed to the consultation. I am confident that working together across the private, public and voluntary sectors, implementing this new model will help deliver a more stable and sustainable approach to probation services for the future. It will build on the positives of the existing system whilst pursuing change that will help realise the potential probation and community sentences have to rehabilitate offenders, reduce reoffending and ultimately reduce the number of future victims of crime.



Rt. Hon David Gauke MP

Secretary of State for Justice

Introduction and contact details

This document is the post-consultation report for the consultation paper, Strengthening Probation, Building Confidence.

It will cover:

- the background to the report
- a summary of the responses to the report and details of our revised approach
- a detailed response to the specific questions raised in the report
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Probation Programme** at the address below:

Probation Programme
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This report is also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be requested from strengthening.probation@justice.gov.uk.

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

The Impact Assessment accompanying the consultation was updated to take account of evidence provided by stakeholders during the consultation period. The updated Impact Assessment will be available at <https://www.gov.uk/government/consultations/strengthening-probation-building-confidence>

A Welsh language response paper will be available at <https://www.gov.uk/government/consultations/strengthening-probation-building-confidence>

A list of respondents is at Annex A.

Executive Summary

Background

1. The consultation paper ‘Strengthening Probation, Building Confidence’ was published on 27 July 2018¹. It announced the decision to end Community Rehabilitation Company (CRC) contracts early and put in place new arrangements by late 2020. It detailed our plans for a revised regional structure for probation, establishing coterminous regions for the National Probation Service (NPS) and contracted provision, with a single leader accountable for probation in each region. It also set out our ambition to move to a more integrated system, with clearer standards of delivery and to achieve better partnership working, and we sought views on how to best achieve this.
2. The consultation period closed on 21 September 2018. We have subsequently continued to engage with key stakeholders and the market to refine our proposals. This consultation response summarises the responses received and sets out how the consultation process and subsequent engagement have influenced the further development of our proposals.

Our proposals

3. Between 2001 and 2010, probation services were delivered in 42 probation areas across England and Wales. Following the implementation of the Offender Management Act 2007 probation boards were replaced, in 2010, by 35 self-governing Probation Trusts. Under this model, re-offending rates remained stubbornly high and criticisms of the model saw it as inefficient and lacking in transparency, with consistent challenges in meeting targets to draw off the expertise available from voluntary and specialist providers.
4. The Transforming Rehabilitation (TR) reforms in 2014 introduced a wider market of private and voluntary sector² providers to probation delivery working alongside the NPS. These reforms sought to ensure that the expertise of the private and voluntary sectors were brought into probation delivery. In this model, responsibilities are split between the CRCs and the NPS, with CRCs managing low and medium-risk offenders and the NPS managing higher-risk offenders. CRCs also provide interventions, such as Unpaid Work, for offenders throughout the probation system. In doing this, the TR reforms opened the market to a wider range of providers to

¹ MoJ, Strengthening Probation, Building Confidence, July 2018 - https://consult.justice.gov.uk/hm-prisons-and-probation/strengthening-probation-building-confidence/supporting_documents/strengtheningprobationbuildingconfidence.pdf

² Throughout this document, references to the voluntary sector should be taken to refer to the wider voluntary, community and social enterprise sector (VSCE).

encourage innovation, bringing in expertise and more modern ways of working. Through introducing a payment by results performance mechanism, the reforms aimed to create new incentives for providers to focus on achieving reductions in reoffending in order to help tackle the reoffending rate. Alongside this, we extended statutory supervision and resettlement support to all offenders released from prison including those serving sentences of less than 12 months, a cohort that we know has a high rate of reoffending. This saw extended supervision and support provided to an extra 40,000 offenders for the first time.

5. Last summer we set out our proposals for the next phase of probation and plans to address performance within the current system. We took action to improve supervision and through-the-gate (also known as resettlement) support through the remaining lives of the contracts, and to end current CRC contracts early in 2020. In the consultation, we outlined proposals for future structural changes in which we would align probation areas in England between the NPS and contracted provision, and introduce a standard training framework for staff across all probation providers. We also consulted on the introduction of new delivery arrangements in Wales which would see responsibility for all offender management functions, across low medium and high-risk offenders, delivered by the NPS.
6. Since the consultation, we have carefully considered our approach and how to build on the benefits introduced through the TR reforms. We have listened to the feedback in the consultation as well as wider stakeholder feedback and analysis of system performance. In our future approach, we intend that responsibility for all offender management services³ - for low, medium and high-risk offenders – will be held by the NPS. This will see the model set out in the consultation for Wales now adapted across England too.
7. Private and voluntary sector organisations have demonstrated their strength in delivering interventions. We will retain and build on this success by sourcing all key services, such as Unpaid Work, Accredited Programmes, 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. We intend to do this through competitions for suppliers for Unpaid Work and Accredited Programmes, and through the creation of a dynamic framework for resettlement and rehabilitative interventions⁴. Contracts will be designed flexibly, so that innovative approaches that show results can be quickly identified and spread across the wider system.
8. As set out in the consultation, our intention is to have 11 probation regions across England and Wales. 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

3 the supervision of offenders on a community sentence or on release from prison

4 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.

Executive Director for HMPPS in Wales already has responsibility for all probation services and prisons 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.

9. These Regional Directors will provide a single voice for probation in each region and be responsible for strengthening engagement and partnership working, including in working with Police and Crime Commissioners (PCCs), local authorities and health commissioners. We will look to build local arrangements that give criminal justice and local partners a direct role in commissioning services together with the NPS. We intend to go further than we set out in the consultation, and we will look to bring forward legislation to implement a statutory professional regulatory framework across the probation system as soon as parliamentary time allows. We will continue to think carefully about these proposals.
10. We will now run a period of market and stakeholder engagement to finalise our proposals, including on how services will be packaged within competitions, and to set out further detail on the service design for future services. It will be important to get the transition to the new model right and we will engage with staff to inform our planning for this change. Subject to further market engagement, cross-Government approvals process and affordability tests, we will then seek to launch the competition processes later in the year for Unpaid Work and Accredited Programmes and the dynamic framework for resettlement and rehabilitative interventions.

Summary of consultation responses

11. We received a total of 476 responses to the ‘Strengthening Probation, Building Confidence’ consultation paper. These came from a wide range of stakeholders including probation staff, Trade Unions, sentencers, victims, offenders, academics, charities, PCCs, local authorities and potential future providers of probation services, with representations from across England and Wales.
12. The largest group of respondents were probation professionals, contributing 44% of responses. The consultation also attracted a high level of engagement from voluntary sector organisations, with 17% of respondents identifying as working in the voluntary sector. Judges and magistrates made up 8% of respondents. A full list of respondents can be found at Annex A.
13. We have carefully considered the responses received. We have reviewed responses both by respondent type and by individual question and have been able to identify cross-cutting themes that were common across multiple stakeholder groups and questions. A detailed breakdown of responses to each question is included later in this document.

14. We did not consult directly on the current split in functions between the NPS and CRCs, however a substantial proportion, around 40%, of all respondents expressed a preference in their responses for the integration of offender management functions under the NPS. There was widespread support for the model of delivery we outlined in the consultation for Wales.
15. Many respondents stressed the importance of better collaboration between partners, with over 60% of respondents making this point at least once in their submissions. Comments on this theme included building stronger links at all levels between the NPS and contracted provision; between prisons and probation services in delivering resettlement; between courts and providers to inform sentencing; and between providers and local partners including PCCs, local authorities and voluntary sector organisations. Our proposal for a senior leader in each region responsible for joining up services and working with stakeholders in each region was seen as a positive step towards system integration.
16. Respondents from all different groups stressed the value of locally tailored solutions. Respondents were clear on the potential for probation services to reflect local circumstances and be better tailored to meet the needs of individual offenders, including those from minority groups or those with disabilities. The need for a clearer and more certain role for the voluntary sector, particularly smaller organisations, was frequently mentioned.
17. Responses from probation staff emphasised the need for improvements to staff training. This was highlighted in responses to multiple questions, but stood out as a particularly prevalent response in relation to improving Unpaid Work placements, and how to manage vulnerable groups such as women.

Summary of stakeholder engagement

18. An extensive programme of events was conducted alongside the consultation to engage with key stakeholders and prospective providers. We held over 35 events and engaged with approximately 1,000 individuals. These events focussed on the proposals set out in the consultation. These included three events hosted for voluntary sector organisations by Clinks and a series of events in Wales to gather feedback on the different arrangements proposed there.
19. Alongside the consultation we sought to consult people with lived experience of criminal justice. This sought input from people with current or recent experience (within the last 18 months) of custody, community supervision or both. We heard from a range of individuals in the prison and probation system – around 160 in total across both the consultation responses and through feedback in a series of workshops. Key themes highlighted included: the importance of a good relationship with your probation officer, including through continuity in probation officer throughout and engagement with your probation officer whilst in custody; a focus on the quality of

contact rather than a mandated frequency; and ensuring a clear understanding of license conditions.

20. In our engagement with the voluntary sector, there was appetite for increased involvement of the voluntary sector in the delivery of specialist services but concern that the model proposed in the consultation would not enable voluntary sector providers to deliver on the scale required and that the model did not provide a clear role for smaller, specialist providers.
21. As part of our commitment to co-designing probation arrangements with the London Mayors' Office for Policing and Crime (MOPAC) and Greater Manchester Combined Authority (GMCA) we have been engaging them early to test our design. We have also engaged regularly with PCCs to consider how to strengthen their role and ensure probation services are responsive to local need, fully engaged in partnership-working arrangements and maximise opportunities for co-commissioning of services that reduce reoffending. Alongside this we have maintained ongoing engagement with other external partners, including the establishment of a consultative forum with Trade Union representatives from NAPO, Unison and GMB SCOOP.
22. This stakeholder engagement has been valuable in testing the proposals set out in the consultation and informing the development of our proposals for our future approach.

Stabilisation of delivery

23. As set out in the consultation in July 2018, we agreed revised contractual arrangements for current CRC providers alongside investing an additional £22m per annum so that providers deliver an enhanced level of support for offenders leaving prison (referred to as resettlement or through-the-gate support) during 2019 and 2020.
24. These revised contractual arrangements came into force from 1 April 2019 across all CRC contracts in England and Wales and are intended to raise the quality of service being delivered, including stronger, more personal tailored support for offenders. Around an additional 500 staff are now in place to focus on resettlement services as a result of this investment. We will be carrying out an evaluation of this service over the coming 12 months, to ensure there is adequate assurance on CRC services provision and that we are achieving value for money in the delivery of these services.

System performance

25. Our aim is to ensure a model that is sustainable across both private and voluntary providers and we will incorporate lessons learnt into new operational design and structures. Since the consultation, in considering our future strategy for probation we have kept the performance of the NPS and CRCs under review. This includes the analysis of system performance presented by the Justice Select Committee (JSC),

the National Audit Office (NAO) and reports from Her Majesty's Inspectorate of Probation (HMIP).

26. We know that the financial outlook for some providers remains challenging. In February 2019, Working Links, one of the eight Parent Organisations of existing CRCs, who owned three CRCs went into managed Administration. The department enacted well-rehearsed contingency plans to enable a smooth transition of staff and services to another Parent Organisations, Seetec, to take over delivery of services in the three affected areas.
27. In June 2018 the JSC published its report on TR⁵. 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 TR reforms...”. In November 2018, the JSC published the Government’s interim response to the TR report and in parallel to this consultation response the Government will be responding to the JSC’s report in full⁶.
28. In March 2019, the NAO published their latest report on the Transforming Rehabilitation reforms⁷, 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 Ministry of Justice should carefully consider challenges around provider sustainability and the variations in the quality of probation services.
29. The HMIP Annual report 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”⁸. Specifically, the Chief Inspector Probation, Dame Glenys Stacey, called for probation services to be evidence based - supported by research, evidence and evaluation – and to meet 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

5 Justice Committee, Transforming Rehabilitation, Ninth Report of Session 2017-19, pg 67 June 2018 - <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/482/482.pdf>

6 Interim response to Justice Committee’s Ninth Report of Session 2017-19: Transforming Rehabilitation, October 2018 - <https://www.parliament.uk/documents/commons-committees/Justice/correspondence/tr-gov-consultation.pdf>

7 NAO, Transforming Rehabilitation: Progress review, March 2019 - <https://www.nao.org.uk/wp-content/uploads/2019/02/Transforming-Rehabilitation-Progress-review.pdf>

8 HMIP, Report of the Chief Inspector of Probation, March 2019 - <https://www.justiceinspectorates.gov.uk/hmiprobation/media/press-releases/2019/03/reportofthechiefinspectorofprobation/> ; <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/03/HMI-Probation-Chief-Inspectors-Report.pdf>

a “probation service able to command the confidence of the judiciary, victims, the professional staff employed and the wider public”.

30. Alongside the annual report, independent HMIP inspection reports have provided ongoing feedback on the performance of both the NPS and CRCs⁹. These reports have assessed both NPS and CRCs against their organisational delivery and case supervision, alongside considering the specific work delivered by CRCs-only and NPS-only distinctly.

Summary HMI Probation inspection findings and ratings, March 2019

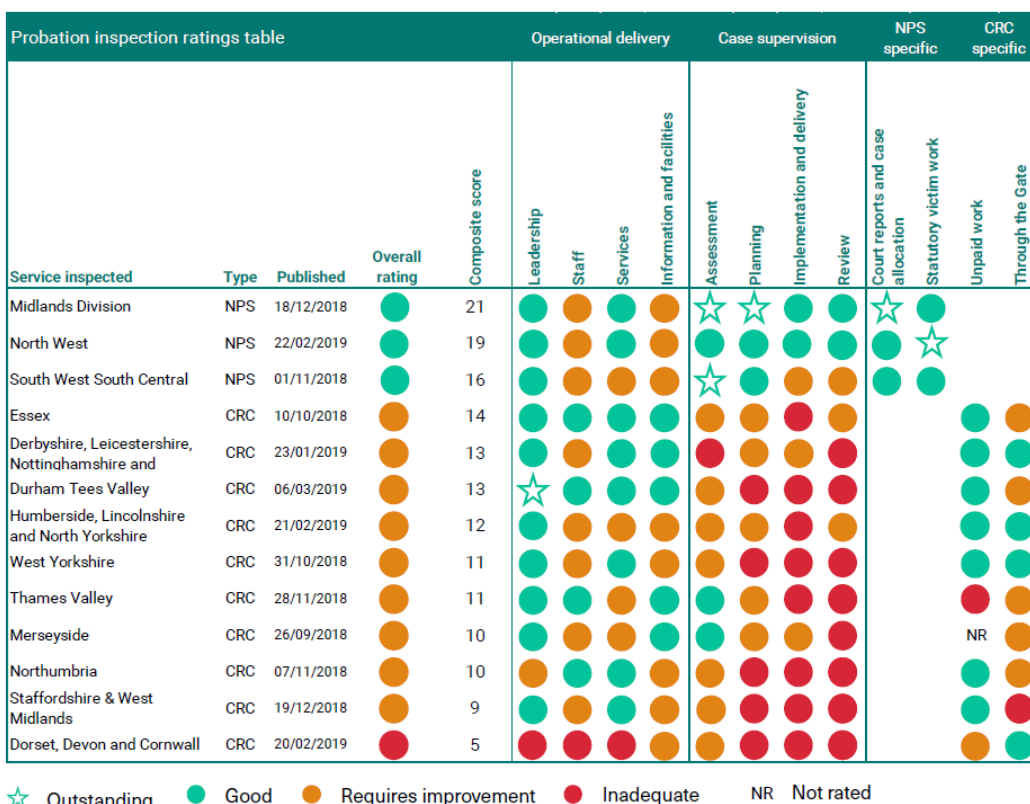


Figure 6. Summary HMI Probation inspection findings and ratings.

31. Figure 6, as published in HMIPs annual report provides an overview summary of their inspections to March 2019. Since then, additional reports have been published covering four further CRCs and an additional NPS region. Of the 14 recent inspections of CRCs, one has been rated as ‘good’, 12 have overall been rated as ‘requires improvement’ and one as ‘inadequate’. Of the four recent inspections of the NPS, all have been rated as ‘good’. There have been examples of individual

9 HMIP, Inspection of probation services, <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections?s&probation-inspection-type=inspection-of-probation-services>

elements of performance ranging from inadequate to outstanding across both organisations¹⁰.

32. HMIP reports have consistently found that CRCs are not delivering an adequate service across case supervision – particularly for vulnerable offenders and those from minority groups - but have found evidence of a better quality of delivery across Unpaid Work and Through the Gate interventions. On the implementation and delivery of probation supervision, of the 14 CRCs inspected since January 2018, three have been rated as ‘requiring improvement’ with the remaining 11 rated as ‘inadequate’. This compares to HMIP’s assessment of CRC’s provision of Unpaid Work, whereby of the organisations assessed in this time period 10 have been assessed as ‘Good’, two as ‘requires improvement’, with the remaining two assessed individually as ‘not assessed’ and ‘inadequate’ respectively.
33. We know that there has been a decline in the proportion of community sentences. In part, this is a reflection of the changing trends in those entering the criminal justice system, meaning that those with long criminal histories – who are more likely to reoffend, and some prolifically – account for an increasing proportion of the offending population (these offenders are more likely to receive immediate custodial sentences).
34. In 2017, 67% of offenders sentenced to immediate custody were sentenced to serve 12 months or less. Our evidence suggests that community sentences are more effective in reducing reoffending than short custodial sentences. The Ministry of Justice study ‘The impact of short custodial sentences, community orders and suspended sentence orders on re-offending’ published in 2015 involved around 350,000 sentencing occasions over four years and used 130 different variables to construct matched groups of offenders and examine the effect of short sentences relative to community sentences¹¹. This study found a reduction of around 3% in proven reoffences if offenders receiving sentences of less than 12 months were to get a community order instead. This is statistically significant and equates to around 30,000 proven reoffences in total over a one-year period. This means fewer victims of crime.
35. 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 offender 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 improve rehabilitation

¹⁰ Figure from HMIP annual report, pg40 March 2019 -

<https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/03/HMI-Probation-Chief-Inspectors-Report.pdf>

¹¹ MoJ, The impact of short custodial sentences, Community Orders and Suspended Sentence Orders on reoffending, January 2015 - <https://www.gov.uk/government/publications/the-impact-of-short-custodial-sentences-community-orders-and-suspended-sentence-orders-on-reoffending>

outcomes and we know that under the current system many sentencers feel they are lacking knowledge about what happens to an offender after sentencing.

36. This feedback and analysis has informed our consideration of our proposals for the future strategy for probation.

Our future approach

Summary

37. Effective probation services are a vital part of the criminal justice system. They must command the confidence of the public and the courts, punish and rehabilitate offenders appropriately, reduce crime by tackling reoffending and protect the public.
38. Within the wider criminal justice system, we need to ensure effective cooperation and coordination – from courts through prisons and out to probation – to ensure that we build and deliver 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 much in the current system to build on.
39. In our future approach, we intend that the NPS will have responsibility for all offender management services - for low, medium and high-risk offenders¹². Private and voluntary sector organisations have demonstrated their strength in delivering interventions. We will retain and build on this success by sourcing all services, such as Unpaid Work, Accredited Programmes, and other resettlement and rehabilitative interventions from the private and voluntary sector markets. We intend to do this through competitions for innovation partners to provide Unpaid Work and Accredited Programmes, and through creation of a dynamic framework for resettlement and rehabilitative interventions. We anticipate the total value of outsourced services to be around £280M a year in steady state.
40. We will now run a period of market and stakeholder engagement to finalise our proposals, including on how services will be packaged within competitions, and to set out further detail on the service design for future services. We will then seek to launch the competition processes later in the year for innovation partners to deliver Unpaid Work and Accredited Programmes and the dynamic framework.
41. In the consultation in summer 2018, we set out our proposals in support of our strategy for improving probation services beyond 2020. These were focussed around:
 - Supervising offenders and delivering the sentence of the court
 - More effective rehabilitation of offenders
 - Preparing prisoners for life in the community
 - A workforce with the right training and skills
 - Improving system integration
 - Working more closely with partners
 - A probation system that works for Wales

¹² the supervision of offenders on a community sentence or on release from prison

- Driving performance improvement

42. In implementing this revised model our key aims are to maintain stability across the probation system and effective rehabilitation of offenders, whilst ensuring good value for money. We must ensure the core functions of offender management, protecting the public and delivering the orders of the court are provided to an acceptable level of service.
43. We want to ensure delivery arrangements place a stronger emphasis on the quality of relationships between offenders and probation officers; that offenders secure access to the range of statutory services and referrals to wider provision that will together support their rehabilitation, promote access to employment, secure accommodation and reduce reoffending. We need to ensure that the department's investment delivers the most effective services alongside providing value for money and financial sustainability for the probation service.
44. We want to promote greater integration both across the probation system and with wider partners, such as devolved authorities, PCCs, other commissioners and delivery partners. This will help us to remove duplication, increase efficiency and strengthen transparency.
45. Improving the confidence of sentencers in probation delivery will be an important element in making greater use of the full range of alternatives to custody available to the court and supporting our longer-term aspirations for sentencing reform. It is our assessment that our revised model will allow us to more quickly rebuild this confidence.
46. Our changes will provide a strong foundation for efforts to 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, such as female, disabled or Black and Minority Ethnic (BAME) offenders. 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. While the proposals set out in the consultation recognised the need to tackle these inequities, we are confident that our new approach can deliver additional benefits for vulnerable offenders and are committed to realising these benefits moving forward. 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. The creation of a dynamic framework for resettlement and rehabilitative interventions will promote the involvement of smaller suppliers which often cater to particular cohorts of offenders. And stronger partnership working arrangements will enable more joined-up support for groups which face disparities of outcome across the criminal justice system.
47. In delivering this change, we need to recognise the role and value of the probation workforce and ensure that this is developed to deliver the requirements of the future

system. We know that for many staff probation is a vocational profession, and we want to ensure that staff are motivated and supported with continued professional development opportunities in order to deliver their roles effectively. We need a workforce with the skills necessary to deliver effective probation services at the right time, in the right place and in the right way ensuring offenders are engaged regularly, they are properly assessed and a sentence plan is developed, implemented and reviewed.

Supervising offenders and delivering the sentence of the court

48. Offender management refers to the management of offenders on a community sentence, prior to and post release from prison. Delivery of this function includes responsibilities such as providing advice to court ahead of sentencing on the most suitable type of sentence for the offender, delivery of ongoing risk and need assessments for offenders, sentence planning, coordinating the delivery requirements of the sentence or conditions of the licence, and enforcement of any breach to these requirements or conditions including recall to custody.
49. Current responsibility for this delivery is split between the NPS and CRCs, with the NPS managing high risk offenders and the CRCs managing low to medium risk offenders. The NPS also delivers advice to court including pre-sentence reports, reviews and enforcement proceedings for all offenders. The challenges and complexity resulting from the split delivery of the offender management function between the NPS and CRCs was one of the key themes raised in responses to the consultation and in feedback from stakeholders including HMIP.
50. In the June 2018 report, the JSC TR report stated that the split between the NPS and CRCs had “complicated the delivery of probation services and created a “two-tier” system... This split causes problems in the delivery of probation services as the risk of an offender can change throughout their time on probation”. The JSC stated that it was “unconvinced that splitting offenders by risk was the right way to split the probation system. Splitting the system in such a way does not recognise that the risk of harm an individual poses can change over time”¹³.
51. In the March 2019 Annual Report, HMIP noted “In the *Transforming Rehabilitation* model, individual cases are transferred between the NPS and CRCs if certain triggers are met. The organisations need to liaise with each other and with other local organisations and the judiciary, day to day, but boundaries are not geographically aligned. Liaison is therefore more complex than it needs to be.”¹⁴
52. We did not consult directly on the split in functions between the NPS and CRCs, however a substantial proportion, around 40%, of all respondents expressed a preference in their responses for the integration of all offender management functions into a single organisation and there was widespread support for the model of delivery we outlined in the consultation for Wales. Other themes raised in consultation responses included the importance of maintaining a single Offender Manager throughout the sentence and ensuring that frequency of contact between the Offender Manager and offender was suitable.

¹³ Justice Committee, *Transforming Rehabilitation*, Ninth Report of Session 2017-19, pg 4, pg30 June 2018 - <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/482/482.pdf>

¹⁴ HMIP annual report, pg79 March 2019 - <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/03/HMI-Probation-Chief-Inspectors-Report.pdf>

53. We have thought carefully about the best way to deliver offender management in future arrangements and the need to balance minimising further disruptions, with the need to put in place sustainable future arrangements that sentencers and public will have confidence in.
54. Under the revised model, the NPS will have responsibility for all offender management services - for low, medium and high-risk. Unifying all offender management function within the NPS will enable increased control over the quality of this service delivery and enhance our ability to better adapt within existing resources to changing volumes without compromising quality. Advice to court will continue to be delivered by the NPS.
55. There are clear benefits to having a single organisation with clear regional accountabilities responsible for managing offenders. This will allow us to better respond to changes in caseloads – for example, increases or decreases to the proportion of high or medium-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.
56. Consolidating responsibility for offender management into one organisation will provide clarity around minimum standards for delivery, which promotes consistency of approach for effective engagement and maximises continuity of the Responsible Officer for offenders. This model will also enable Responsible Officers to work with a more diverse range of offenders with different risks and needs, enabling the development of a broader range of skills and flexibility of workforce. In doing this, we anticipate that it will also 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.
57. Operationally, the revised model would deliver a series of benefits:
 - clear functional distinctions for organisations involved in probation, removing some of the challenges around allocation and risk escalation processes;
 - benefits from continuity of management, with fewer points of handoff between staff and organisations;
 - ensuring a single process and standardised products (including assessment tools) with a single clear structure for management oversight;
 - simplify arrangements for providing advice to court and resettlement of offenders prior to and following release from prison;
 - productivity benefits of managing a mixed low, medium and high risk of harm caseload in one organisation;
 - enable the development and continuous improvement of clear standards for supervising vulnerable offenders, including those with complex needs and those at risk of discrimination on the basis of a protected characteristic, as well as improving the collection of data on different offender cohorts to support this aim;

- an improved ability to respond to volume changes, including future increases or decreases to offenders; and
- greater command of sentencer confidence in the ability of probation service.

58. Additionally, bringing responsibility for the full offender management function into the NPS will simplify the process for introducing new policy and legislative changes into the future system. We anticipate that it will also enable us to more effectively manage the recruitment and retention of the probation workforce.

Developing a sustainable mixed market

59. The TR reforms introduced an increased role for the private and voluntary sector providers in delivering both supervision of low and medium-risk offenders and in providing interventions for offenders throughout the probation system. There has been some complexity around the points of interaction between different probation providers across the criminal justice system and we have thought carefully about how to address this. We are clear that there is a continued role for the private and voluntary sector in the delivery of probation services and welcome the benefits of innovation and effective delivery that this can bring.
60. We have seen evidence of good delivery of Unpaid Work and Accredited Programmes in the current model of contracted provision. In inspections from January 2018 to date, HMIP's assessment of CRC's provision of Unpaid Work has found that 10 have been assessed as 'Good', two as 'requires improvement', with the remaining two assessed individually as 'not assessed' and 'inadequate' respectively.
61. Subject to market engagement, we intend that in the future we will procure innovation partners to deliver these services in each of the regions in England and in Wales. These suppliers will work closely with the NPS to deliver the sentences of the courts and help drive wider innovation in the system. We will undertake market engagement starting from May 2019 in order to determine the nature of the competitions and shape of the future contract opportunities.
62. Subject to this market engagement, we will launch a competition for the following services to be delivered by contracted providers as an innovation partner for each region (with market share cap still to be determined).

Unpaid Work - Unpaid Work requirements serve as an effective punishment of offenders, and are one of the most commonly imposed requirements as part of community sentences. They require offenders to make direct reparation to the community for their crime by undertaking work which provides benefits to local residents – and can support an offender's rehabilitation through instilling discipline and routine in offenders, and it can also equip them with skills and experience which can help them to find paid employment. Up to 20% of an offender's unpaid work hours can constitute employment-related training to support giving offenders opportunities to develop workplace skills.

Accredited Programmes - Accredited Programmes are structured programmes which address key behaviours that are associated with offending. They are accredited by the Correctional Services Accreditation and Advice Panel a panel of independent experts who assess whether the programme is based on the best available evidence and, if well implemented, are likely to be effective. Accredited Programmes can be delivered to offenders while in custody or in the community either as part of Court Orders or to those on Licence.

63. One of the key themes raised in consultation responses noted the need to increase the availability of skills training and qualifications as part of Unpaid Work orders and to build increased links to employers and apprenticeships. The competition of Unpaid Work will require private and voluntary sector providers to work with local partnerships in sourcing sufficient quality placements for offenders, which maximise Employment, Education and Training opportunities and deliver reparation in local communities.

A clearer role for the voluntary sector and smaller providers

64. One of the key themes raised in responses to the consultation and our engagement with the voluntary sector was that they had not been used as extensively as anticipated under the TR reforms. The voluntary sector has consistently reported that they are under-utilised within the existing system, and that although they would like to play a larger role in delivering rehabilitative interventions, the existing mechanism has made it difficult to engage.
65. In their April 2018 report, 'Under represented, Under pressure, Under resourced', Clinks stated that "very few voluntary organisations have found themselves involved as subcontractors". Their research indicated that up to 65% of the 132 voluntary organisations surveyed for their research were not funded by probation providers, but regularly received referrals from probation services and prisons¹⁵. A number of respondents to the consultation suggested introducing a local commissioning function to enable better engagement with voluntary sector organisations in the design of offender services.
66. We want to see a clearer role for a wide range of voluntary sector providers in probation delivery, including local and specialist services. Throughout the consultation we were told that we needed to consider how to create the right environment to enable these organisations to deliver resettlement and rehabilitation services. These services include a range of services from structured interventions to help tackle drug misuse or improve employability, to mentoring for offenders delivered as part of a Rehabilitation Activity Requirement (RAR), prior to or post release from prison. To make the most of the range of providers available, we believe that these interventions should be commissioned and delivered locally where possible.
67. We have developed an approach to support the direct participation of smaller voluntary sector providers in the delivery of resettlement and rehabilitation activities. This will be through the procurement of a dynamic framework across England and Wales. The dynamic framework will operate as an open panel of suppliers, who can be admitted to the panel at any point during its lifetime subject to a qualification process (based on experience and capabilities). Eligible panel members will be invited to participate in mini-competitions for the services required.

Rehabilitative Interventions: Rehabilitative services can include a range of services from structured interventions to help tackle pro-criminal attitudes or improve employability, to supporting offenders access statutory services and can be delivered as part of a RAR or post release from prison. These interventions are intended to support offenders to re-integrate in the community and reduce re-

15 Clinks, under represented, under pressure, under resourced, April 2018 - https://www.clinks.org/sites/default/files/2018-10/clinks_track-tr_under_final-web.pdf

offending by addressing a range of needs such as education, self-reliance, and accommodation.

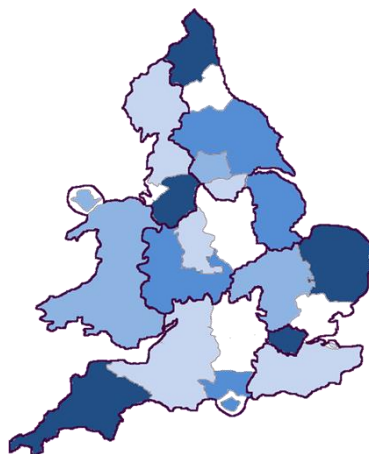
Resettlement services: Resettlement services are delivered to offenders while in custody to help them prepare for release and in the community to help them resettle post-release. There are a number of elements to this service. Consistent with our broader approach to offender management we intend that in future the responsibilities for assessing offenders' needs; identifying the services required; and coordinating delivery of these services will in future be provided through the NPS; with a much clearer role for private and voluntary sector providers in delivering those interventions and services.

68. Subject to market engagement, we propose to create and utilise a dynamic framework for resettlement and rehabilitative interventions so that we can access the full range of specialist services and interventions available, in a way that is responsive to the needs of local areas and local service users. We will commence market engagement in May to design and develop this dynamic framework. We have used a similar solution for Prison Education, referred to as a Dynamic Purchasing System (DPS). Through this DPS so far we have qualified more than 220 suppliers, of which 71% are small and medium enterprises, and awarded over 20 contracts. The dynamic framework for rehabilitation and resettlement services for probation will be designed to suit the needs of the different commissioning bodies and might be different from the Prison Education DPS.
69. In our proposed model, the Regional Director will use the dynamic framework in order to commission services. The dynamic framework offers the flexibility to commission services at either a regional or local level. We anticipate that the use of the dynamic framework will enable more local commissioning of services and better use of voluntary sector organisations operating in the criminal justice sector as specialist providers to address the needs of offenders, in particular vulnerable offenders and those with complex needs. This will bring benefits in terms of utilising the expertise of individual organisations and capturing innovation. We anticipate that this will also ensure delivery can be responsive to local need and encourage greater partnership working.
70. This approach will help ensure offender managers can readily access services that meet the needs of their offenders. The dynamic framework will have the flexibility to provide pre-release services in prison as part of resettlement as well as from the gate and after release, including, where appropriate, accommodation from approved premises or Bail Accommodation and Support Service. We still intend to mandate the core areas of need where we will require interventions to be available for those with a RAR and for those on licence. These interventions will be aimed at addressing the offending related needs which are most commonly experienced by offenders.

Improving strategic delivery and local partnership working

71. We plan to introduce some structural and organisational changes to ensure probation is a more simplified, coherent and efficient system. In the consultation, we proposed creating 11 coterminous regions for public sector and contracted provision across England and Wales.
72. This was proposed to address some of the complexity we have seen as a result of current probation delivery structures, where there are seven NPS divisions and 21 CRC Contract Package Areas (CPAs) in which CRCs deliver services. This has meant that in some areas there are NPS divisions working with multiple CRCs, each with their own distinct operating model. This has made strategic and operational joint-working between the NPS, CRCs and wider partners difficult.

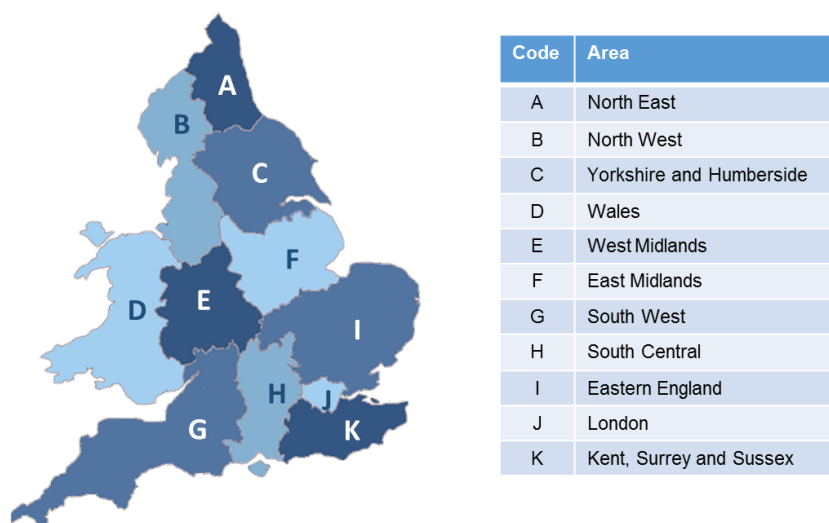
Current probation structures



*Map displaying 21
CRC CPAs, and 7
NPS divisional
regions (denoted
by purple
boundaries)*

73. Under the revised model, in England each of the NPS divisions 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 Executive Director for HMPPS in Wales already has responsibility for all probation services and prisons in Wales and this will remain unchanged. We will continue to reflect carefully on the best arrangements for this. We intend to implement this by moving from six regions for the NPS to ten regions in England alongside the delivery of the revised model. The services in Wales are already aligned so no structural changes will take place there. We believe this will create a simpler strategic planning environment and strikes the right balance between efficiencies and a model that delivers at the right scale.

Proposed future structure of probation areas



74. We have listened carefully to stakeholder and consultation feedback which has highlighted some concerns about the shape of the divisions, including the alignment of the proposed regions with other partner and partnership footprints and how do we ensure probation delivery within regions are tailored locally. In their March 2019 report, the NAO highlighted concerns that transferring to new contract package areas could cause “inevitable disruption for probation staff...” and that “a change in providers and geographical boundaries may also disrupt offenders who are under supervision at the point of transition”¹⁶.
75. There is no perfect geographical configuration as different services and partnerships are structured in different ways, however our proposed regional structures align with key partners by including PCC boundaries. In reaching our assessment for 11 regions across England and Wales, we have sought to achieve the right balance between the potential for efficiencies across the probation system and arrangements that are closer to other criminal justice system delivery structures and can facilitate partnership working. However, we will continue to give careful consideration to this model to ensure this is the best configuration. Underneath the proposed regional structures, we will retain the system of Local Delivery Units (LDUs), and by integrating responsibility for all offender management within the NPS we will have one organisation leading on local engagement.
76. In preparing for the transition to the revised regional structure, we will carefully consider how to manage this in a way which minimises disruption to staff, offenders and those that interact with the probation service in the wider criminal justice system. Since the publication of the proposals in the consultation, we have already seen development of partnership working arrangements that correspond to the 11 regions, such as the South West reducing re-offending board which brings together PCCs,

¹⁶ NAO, Transforming Rehabilitation: Progress review, pg42, March 2019 - <https://www.nao.org.uk/wp-content/uploads/2019/02/Transforming-Rehabilitation-Progress-review.pdf>

probation and other partners in a collaborative forum. We will continue to support partners in working across this regional footprint.

77. One of the key themes raised in the consultation responses on partnership working was around the scope for local commissioning and joint commissioning. This highlighted the need to ensure that there was strong knowledge of both local service and service user requirements to inform commissioning. We recognise the need to be responsive to local needs and this can only be achieved if probation is actively engaged with partners and partnerships.
78. Regional Probation Directors, their senior leadership team and LDUs will have a clear responsibility for strengthening engagement in local and regional partnerships. This will ensure there is greater transparency around probation performance, that services are responsive to local priorities, and opportunities are taken to co-commission those services that are key to reducing re-offending with partners such as PCCs, local authorities and health commissioners.
79. Having a single point of contact and leadership for offender management in the NPS at a regional level will enable better co-ordinated delivery of services from partners to help prevent re-offending (e.g. mental health, drug treatment, housing, benefits) with one probation voice in local partnership meetings. Probation Directors would provide a convening power right across the region's caseload as well as ensuring continuity between prison and community.
80. 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 year. These Regional Directors will play a crucial role in shaping and supporting transition and business change activities.
81. It will be important to ensure that we get this leadership model right. We will think carefully about the specified responsibilities for these posts to ensure that these leaders have the right structures and capabilities to deliver across the regions. These leaders will need to be supported to ensure that they and their teams have the right commercial capabilities and we will develop clear processes and targets to ensure we are making full use of wider providers. We will continue to work closely with staff and wider stakeholders in preparation for the introduction of these posts. In doing this, we will seek to ensure there is that shared identity and culture amongst all staff who will be in the NPS, building on the experiences of those who have worked in both the NPS and CRCs over the past few years.
82. We have engaged PCCs on how they could more effectively support probation services in the future and how probation can better work with them to engage with local criminal justice systems. We want Regional Directors to be working with PCCs to identify shared strategic priorities, with an expectation that they would seek opportunities to co-commission services that support reoffending. To enable this, we are considering how probation performance and needs data can be meaningfully shared at a local level. Where appropriate, PCCs will also be represented during the recruitment process for the Regional Director posts. We will continue to engage with

PCCs to ensure probation can take advantage of their developing role in local criminal justice systems.

83. Further to our work with PCCs and as part of our commitment to co-designing probation arrangements in London and Greater Manchester, we have been engaging with MOPAC and GMCA to test our design thinking and where arrangements may need to be tailored, such as co-commissioning. We will continue this work to ensure we fully take account of their unique landscapes and their devolution deals, and will explore other regions and how we can collaborate to commission and deliver interventions.
84. We intend using the new regional structures to test innovative forms of commissioning to focus on cross-cutting social outcomes that are key to reducing reoffending and complement the wider landscape of services that sit alongside probation. To enable us to do this we will ringfence funding within the overall probation budget with the aim of attracting match funding from other government departments or commissioning bodies including social finance providers and Social Impact Bonds. The funding will be reserved for innovative, cross-cutting approaches and will enable us to test ‘proof of concept’ services before scaling these up. This will provide opportunity for Regional Directors to build co-operation across the criminal justice system in their area to reduce reoffending by adopting local approaches. As set out in the consultation, it is important that all groups of offenders – including vulnerable offenders such as those belonging to minority groups - are managed in a way that strives to give them an equivalent outcome. Better partnership working and new ways of commissioning have the potential to enable more joined-up support for groups which face wider disparities of outcome across the criminal justice system.
85. Probation works best when local partners focus on reducing reoffending work together. We will look to build local arrangements that give partners, such as local authorities and PCCs a direct role in commissioning services together with the NPS. This could potentially leverage more effective use of resources across the criminal justice system and better address the complex needs that are often associated with re-offending such as drug misuse, homelessness and rough sleeping, and mental health issues (and which can hinder successful completion of our core probation services).
86. There are a number of programmes already up and running locally that pursue joint outcomes through multi-agency working. Examples of this include the Whole System Approach to female offenders where police in Greater Manchester, together with the CRC and a number of other agencies, have invested in a model to provide a holistic response to female offenders and women at risk of offending. In Essex, Full Circle offers complex needs offenders a fully integrated care navigation service. The multi-agency delivery model (funded by a broad range of partners) has delivered some positive results including improvements in housing situations, adherence to medication, and fewer hospital admissions for mental health related issues.

87. There is scope to test this approach by building on more mature commissioning approaches that already exist, and we intend to develop the evidence of the impact this spend is having on wider social outcomes before seeking to scale up any approach. This work will underpin the Regional Director's ability to succeed and it will enable not only the right environment and levels of support for the delivery of sentence but also long term desistance beyond its completion.

A probation system that works for Wales

88. 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.
89. 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 for the provision of additional services and interventions to be put out to tender to enable a range of providers and voluntary sector organisations to compete to deliver them.
90. 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 taking into account 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.

A workforce with the right training and skills

91. 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 great range of risk and personal responsibilities.
92. The professionalism of probation staff is not in any doubt; however, we want to take this opportunity to ensure probation is recognised as a profession by others in a way that nurses, doctors, and social workers are. Ensuring the right number of staff with the right level of skills and expertise, is key to delivering a quality service and we want to ensure staff are provided with the support needed for their ongoing professional development. We want to ensure that the workforce is supported to be able to respond to ongoing changes in their caseloads and to adapt to changing technology and wider developments.
93. In the March 2019 HMIP Annual report, Dame Glenys Stacey stated that “learning and development arrangements for the profession are not working well enough”; while there was access to training for most staff, there were challenges around carving out sufficient for it or in accessing engaging training¹⁷. She noted that, under current arrangements “probation professionals are not obliged by any profession-wide requirement to keep their knowledge and skills up to date”¹⁸. In the report, she made the case that responsibilities for certification and registration of the probation profession should sit with an independent body and noted the importance of ensuring assurances around sufficient continued professional development.
94. We intend to go further than we set out in the consultation and, as soon as parliamentary time allows, we will look to bring forward legislation to implement a statutory professional regulatory framework across the probation system with continual professional development standards and a practise and ethical framework for designated roles. By implementing this framework, we aim to ensure that staff who are suitably qualified are supported in gaining the tools and opportunities for a long and effective career. Ahead of legislation, we will be introducing requirements to ensure we have all elements in place in readiness for this becoming a statutory requirement. Timelines for implementation of this activity will be developed alongside wider departmental priorities.
95. In 2018, we reached agreement with Trade Unions (NAPO, Unison and GMB SCOOP) on pay modernisation within the NPS. Under this agreement, we will be working with our Trade Union colleagues to introduce a new Competency Based Pay Progression Framework which takes into account the full range of attributes, skills

17 HMIP annual report, pg 72, March 2019 - <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/03/HMI-Probation-Chief-Inspectors-Report.pdf>

18 HMIP annual report, pg 76, March 2019 - <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/03/HMI-Probation-Chief-Inspectors-Report.pdf>

and experience required to deliver professional probation competence and which supports continuous professional development for all NPS staff.

96. The statutory professional framework is an opportunity to promote the professionalism of those working in the probation service - evidencing lifelong learning and showing that our staff are experts within our field. This will also serve to protect the probation title to practice as well as ensure those unfit to practice are not entitled to work in the probation system. This will increase confidence from key stakeholders and the public and is an opportunity to focus on our knowledge and practice development to ensure we are supporting offenders and managing risk most effectively within both custody and the community.
97. The professional offer is aimed at benefiting all staff working in probation by ensuring there are standards for continuous professional development and practice frameworks for different roles across different workplace environments giving probation staff the external recognition of being a practicing professional. We will invest in the continuous professional development of probation staff ensuring that they are supported to improve and develop their quality of practice.
98. In future we will require all staff acting as Responsible Officers to have a mandatory probation qualification. This would be at a level 3 for staff working as a Probation Service Officer, or Level 5 for staff working as a Probation Officer. We are also in the process of developing these qualifications into apprenticeships.
99. As part of these changes we are committed to an approach which emphasises equalities in both the training and the continuous professional development offer (including specific training on working with female offenders) and which focusses on workforce diversity – including ambitions and schemes to advance under-represented groups into management and senior leadership roles.

Driving performance improvement

100. Delivering a reduction in reoffending rates, managing risk and protecting the public are key measures for outcomes and deliverables for probation services. As many respondents to the consultation recognised, the impact of external social and economic factors makes it difficult to establish a direct causal link between probation work and reduced reoffending. In developing key performance measures, there has been a real focus on how probation work can support reduced reoffending. The rate and frequency of reoffending will continue to be a measure for probation work
101. Respondents pointed to the importance of improved health, employment and sustainable accommodation in supporting reduced reoffending, and we are developing measures on positive progress achieved in those areas. Helping offenders improve their health; job prospects and housing requires truly effective collaboration with other agencies and we are building this into our regional commissioning and delivery arrangements. We will learn, for example, from the partnership working developed by the five areas piloting the Community Sentence Treatment Requirement Protocol to improve access to mental health and substance misuse treatment for offenders on community sentences.
102. Respondents also recognised that services and interventions need to be of a high quality if they are to engage offenders, deliver results and support offenders in turning their lives around. The focus on this in the key performance measures received strong support. We are developing specific quality measures which will enable us to assess the quality of delivery across all providers. Assessments of quality will draw both on external scrutiny by HMIP, and internal audit conducted by HMPPS. For contracted providers, quality assessments will be linked to financial incentives.
103. Responses to the consultation highlighted that each offender needs to have a personalised sentence plan and a tailored approach, taking into account criminogenic needs alongside protected characteristics. We anticipate that our proposals for the dynamic framework will enable services to be commissioned at a local level and allow local partnerships to be developed. These services could for example include specialist interventions for women, or could facilitate better partnerships between public, private and voluntary sectors to deliver approaches that better meet the diverse needs of people under probation supervision
104. Where the Government has made commitments for those with protected characteristics, for example in the Female Offenders Strategy and in response to the Lammy Review, we will seek to contractualise these commitments in future contracts. For other vulnerable or priority groups we will establish more consistent assessment of need via screening and health assessment tools.
105. To get this right, we will review the data collected by the NPS and by any future contracted providers to ensure that we have clear information on the outcomes for offenders to help inform delivery and future commissioning. We will also transform

the use of technology in probation, investing in a digital and data strategy that will replace core systems and better utilise data to support professional judgement.

106. Reoffending is costing society approximately £15bn per year. It is only through a concerted effort across Government that we will be able to reduce reoffending. The Cabinet Office has established a cross-government Reducing Reoffending Board to tackle some of the main causes of reoffending including employment, health and accommodation.
107. The Board meets quarterly and is chaired by the Chancellor of the Duchy of Lancaster. It is attended by the Ministry of Justice, Home Office, Cabinet Office, HM Treasury, the Department for Work and Pensions, Ministry of Housing, Communities and Local Government, Department for Education, Department of Health and Social Care and the Wales Office.

Responses to specific questions

A total of 476 responses were received across the questions set out in the ‘Strengthening Probation, Building Confidence’ consultation. Each question in the consultation was framed as an open text question to enable respondents to provide open feedback. Not all respondents answered every question. In reviewing the responses to the consultation, we have sought to identify common themes – however it has not been possible to code all themes raised, so proportions given should be taken as indicative only. Since responses can be considered across multiple codes, values across responses would not add up to 100%.

All quotes are anonymised and credited to the category of respondents as stated in in the relevant consultation response.

Supervising offenders and delivering the sentence of the court

Q1: What steps could we take to improve the continuity of supervision throughout an offender’s sentence?

“Any continued split of offender management functions across two separate organisations will inevitably lead to the fragmentation of the continuity of supervision of offenders. In addition, given the current and proposed model of risk management including the transfer of offenders from the CRC to the NPS following an escalation of risk, there is the potential of a lack of continuity at precisely the time the offender would benefit from consistency. ... As such the step to take to improve the continuity of supervision throughout an offender’s sentence should be to move to a system where offender management / supervision is the responsibility of one organisation; the National Probation Service.”

Consultation response, Police and Crime Commissioner

“Amalgamate NPS and CRC's into a unified service within the public sector. The present and proposed arrangements have divided supervision in an unhelpful and inefficient way, with duplication of effort and information gaps seriously hampering operations.”

Consultation response, Probation professional

There were 378 respondents to this question. The most common theme raised by respondents was the benefits of maintaining a single Offender Manager throughout the sentence, with over 35% of respondents specially highlighting this. A smaller proportion, around 20%, called for increased opportunities for Offender Managers to engage in rehabilitative work with offenders. A similar proportion noted the importance of improved

links and liaison with prisons with offenders serving the custodial part of their sentence to support effective sentence planning.

A cross-cutting theme in responses to this question suggested the need to integrate the offender management responsibilities into one organisation as the only way to achieve consistency, with around 15% of responses raising this. Other popular responses highlighted the need to ensure manageable caseloads and the significance of face to face contact.

Q2: What frequency of contact between offenders and offender managers is most effective to promote purposeful engagement? How should this vary during a period of supervision, and in which circumstances are alternatives to face-to-face meetings appropriate?

“We recognise the need for more frequent visits and welcome the minimum requirement of monthly face-to-face contact. However, a monthly relationship will not create change; at the beginning of the relationship, contact needs to be purposeful and more frequent. While frequent contact is an essential part of building a relationship between the officer and the offender, the continuity and trust in this relationship is the key factor. Professional judgement of frequency of contact needs to remain a factor in any considerations for further guidelines in frequency. The service provision needs to be framed within a framework of quality of visits, rather than frequency.”

Consultation response, Local Authority

“In my view this really does depend on the individual and their specific needs. Front-loading always works well in my experience, i.e. having the most frequent contact at the beginning of the sentence, with a gradual reduction over time in response to reductions in risk. Being responsive is really important, i.e. being able to quickly return to weekly reporting where necessary...”

Consultation response, Probation professional

There were 368 responses to the first part of this question and 332 to the second.

On the first question, the largest response from over 50% of respondents expressed that frequency of contact should be variable as determined by a thorough assessment of risk and needs, with nearly 30% of respondents suggesting that contact should vary throughout the life of the sentence, and be subject to the professional judgement of the probation officer. A number of respondents referenced research that states that a productive working relationship needs to be built through regular initial contact but this can tail off if the risks are being managed and needs are addressed. Over 40% suggested that contact should be weekly.

On the second part of the question, responses varied and recognised that a range of contact forms were appropriate subject to the timing in the offender sentence and professional assessment of risk. Over 40% stated that face-to-face contact should be the default position, and that this could take place in a variety of locations. Around a third of responses stated that telephone supervision could be helpful in some scenarios. Around 30% of responses stated that contact should vary subject to reducing risk or need, with nearly 20% of respondents suggesting that contact can be reduced towards the end of a sentence as part of preparing an offender for life without supervision.

Q3: How can we promote unpaid work schemes which both make reparation to communities and equip offenders with employment-related skills and experience?

“Unpaid Work/Community Payback (CP) should be used more widely (offence tariff permitting) and utilise better the 20% element of allocated time for rehabilitative learning and development for the offender. Offenders should see CP as punishment AND a chance to rehabilitate, therefore CP should contain employment goals (for unemployed offenders) where local employers are encouraged to offer real unpaid work placements (as the actual CP sentence) and then a job at the end of the CP sentence because the CP placement has been used to develop the offenders’ skills and attitude...”

Consultation response, Criminal justice system staff

“By making communities more aware of the schemes operating in their area and what work has been undertaken to benefit the community. Encouraging local communities to identify projects that would improve their environment and people's lives. Ensuring that projects enable offenders to develop their employment skills and gain worthwhile work experience...”

Consultation response, Academic

There were 353 responses to this question. The most popular point made centred on the need to increase the availability of skills training and qualifications as part of the Unpaid Work order. Around a third of respondents referenced this theme. Other themes included the need to improve links to employers and apprenticeships, and to ensure that placements are of a local and community benefit (around 20% of responses for each). Alongside this a smaller but still substantial proportion suggested that better collaboration could be established with other local services, including local authorities.

Q4: What changes should we make to Post Sentence Supervision (PSS) arrangements to make them more proportionate and improve rehabilitation outcomes?

“Proper assessment is again important but the key is a focus on securing accommodation and employment. These are essential to prisoners adopting a crime

free lifestyle. Probation supervisors will have to work closely with both the voluntary and private sectors to deliver on this - but it is essential.”

Consultation response, Probation professional

“The first thing to state is that for all the challenges associated with its interpretation and implementation, PSS has proved successful for many clients. ... To support greater rehabilitation through the delivery of PSS, the availability of specialist support for addressing service user’s individual needs must be improved.”

Consultation response, Voluntary sector

There were 353 responses to Question 4. Responses to this question were varied across themes raised with a large proportion of responses not easily categorised. Around a fifth of respondents suggested that there was a need to ensure that the right interventions and resources were available to address needs. Other key themes included suggestions that Post Sentence Supervision (PSS) should be abolished, and that contact should be made voluntary with no sanctions for not engaging. Other themes raised included a range of suggestions from making PSS more proportionate to assessed risk and needs and to how the system for breaches were handled, alongside suggestions for different approaches, trauma informed, public health and person centric approaches and more use of service user/peer support.

Q5: What further steps could we take to improve the effectiveness of pre-sentence advice and ensure it contains information on probation providers’ services?

“...the fragmentation of the service has mitigated against clarity and specificity of advice from the NPS (court report writers) about another provider’s (CRC) services. The potential for inaccuracies, miscommunication have undoubtedly led to a loss of confidence by the sentencers regarding sentencing options. ... Regular face-to-face meetings (e.g. court user groups, liaison meetings) and communication between sentencers and service providers are key to full understanding and generating confidence in community sentences.”

Consultation response, Voluntary sector

“Providers should be expected to engage widely with partners and community based service providers. There are common drivers which have an impact on offending such as housing, poverty, mental health and substance abuse so any opportunity to explore how this can be mitigated through a holistic approach to service delivery should be taken. This would build confidence in the judiciary and influence the final sentence/supervision requirements which may have a greater impact on rehabilitation.”

Consultation response, Local Authority

There were 379 responses to Question 5. Over a third suggested there should be more time given to the preparation of pre-sentence reports, and around 15% suggested that targets for providing same day reports should be removed. A number of responses stated

that the pressure on the NPS to produce reports on the day was significantly impacting on the quality of assessment and leading to inappropriate sentences.

Another key theme was on the quality of the relationship between the court and probation services – around a quarter suggested that workshops or training could support better liaison arrangements between the organisations, and around a fifth suggested more information should be provided to sentencers about the services available.

Q6: What steps could we take to improve engagement between courts and CRCs?

“Effective communication must be improved if sentencers are to have confidence in Community sentences. Currently we have a situation where Probation staff in court are made to look unprofessional and their credibility is undermined as they are often badly prepared and do not have the correct and up to date information.”

Consultation Response, Sentencer

“Regular forums between the judiciary and probation would enable courts to have a better understanding of community orders and probation staff could develop their knowledge of how sentencing decisions are reached. Continued dialogue and shared training would enable a closer relationship to be built up which in turn would lead to speedier justice being served and the most appropriate sentences being imposed.”

Consultation Response, Campaign group

There were 388 responses to Question 6. The largest number of responses, nearly 40%, suggested introducing a provider probation officer role in court with a number of respondents referencing a need to improve communications between the CRC responsible officer, NPS court officer and the courts. The provision of sentencing information or brochures was suggested in around a fifth of those recorded with suggestions such as including CRC articles and information in the NPS Newsletter that has been developed for sentencers, requiring CRC to attend Court Liaison meetings where the meetings are effective, and improving enforcement practice. Some responses suggested that courts only see when things go wrong and multiple instances of no action taken when orders are not complied with. On a cross-cutting basis, around 35% of responses referenced the need to develop better collaboration between services, including local authorities.

Q7. How else might we strengthen confidence in community sentences?

“All offender management should be provided by 1 organisation. Both NPS & CRC have struggled with the management of cases for a variety of reasons but holding a diverse caseload with both medium & high risk cases provide an better understanding of the criminal justice system and allows a more holistic approach to the management of cases. This relieves the monotony & stress of managing a specific type of case and this increased confidence in staff would be reflected in probation's perception by the public.”

Consultation response, Probation professional

There were 350 responses to Question 7 with a range of responses across different themes. Around 30% stated that there was a need to improve engagement with the public and support increased understanding of community sentencing and visibility of probation work. Suggestions ranged from proposals to share ‘good news’ stories to promote the positive impact of rehabilitative and punitive interventions to proposals for an outreach programme of community engagement.

A range of responses highlighted individual suggestions to improve confidence, such as improving the quality of dialogue with sentencers and exchange of information, including providing more feedback on the impact of interventions. Other responses cited quality of current provision and the range, and availability, of interventions available. Some highlighted the need for a re-focus on the quality of supervision and the importance of skilled staff able to engage offenders. Cross-cutting feedback in this response also raised the suggestion for integrating the probation service into the NPS, suggesting that a difficult job was made more so by having two organisations.

Rehabilitation of offenders

Q8: How can we ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation? Do you have evidence to support your proposals?

“The voluntary sector is well placed to be able to provide bespoke services to particular cohorts of offenders and can tailor them to specific groups. ... It is paramount that there is good communication between the service provider and the Offender Manager. To better support certain cohorts of offenders, whilst delivering a local service, Probation services can utilise the voluntary sector and smaller organisations to deliver specialist interventions on their behalf.”

Consultation response, Voluntary sector

“We would argue that a single integrated probation service, rather than the current NPS/CRC split would allow for greater resource, resilience and flexibility of approach to be able to provide a broader range of services to meet the diverse needs of our offender cohorts.”

Consultation response, Police and Crime Commissioner

There were 341 responses to this question. Responses to this question were varied, with a number of individual suggestions on proposals. The most prominent theme in the responses focussed on the role of a tailored approach and personalised sentence plans in identifying services to be appropriately delivered to different cohorts with vulnerabilities; operating ‘a person-centred approach’.

Responses also highlighted the role of specialist or bespoke services to call down, and appropriate places or placements; for instance, women-only environments and suitable unpaid work placements. There were some responses in favour of specialist teams or

services to cater for specific, vulnerable groups, however other responses made the case that diverse needs might be more consistently met if mainstream services were, by default, responsive and flexible.

A number of responses highlighted the need to ensure that staff were equipped with the right skills and training (in cultural awareness for example) to understand individual's needs and create a relationship. Improving the diversity of the workforce was mentioned and, linked to this, the use of peer mentors/those with lived experience who achieve better engagement, as well as create a more inclusive workforce.

Some responses focussed on the case for greater local commissioning and co-commissioning to access organisations that were either specialist in working with specific groups, or who understood the make-up and needs of the local population. Responses suggested that in order to do this effectively, there needed to be some responsibility to support the development of local services and build their capacity.

Preparing prisoners for life in the community

Q9: How could future resettlement services better meet the needs of offenders serving short custodial sentences?

“First, evidence supports a greater use of community sentences and a reduced use of short custodial sentences. Short custodial sentences disrupt accommodation, employment and family ties. They increase the difficulty of delivering interventions to address drug, alcohol and mental health problems. Second, many of the resettlement services required by people leaving prison are delivered by agencies other than the probation service (e.g. housing and health services). Probation staff can only find accommodation and jobs for prisoners if these resources exist in local communities and are open to people leaving prison.”

Consultation response, Academic

“The overriding issue here though is a lack of investment and joined up approaches in the services that make effective resettlement possible. For example, with accommodation, short term custodial sentences cause great upheaval when individuals lose their tenancies or accommodation. This leads to an increase of individuals leaving prison with no fixed abode or sofa surfing. This in turn can be a key contributor in maintaining a chaotic lifestyle which results in more and more short term custodial sentences from that individual.”

Consultation response, Voluntary sector

This question received 350 responses. A number of responses highlighted challenges in the current system and distinguished between suggesting that short sentences should be abolished and those responses which suggested that there was a need to ensure more focus on accommodation, access to employment, benefits and debt advice and health / substance misuse services in order to support the offender post release from prison. A

number of responses also highlighted the need to ensure that there were clear roles and responsibilities for both staff in prisons and those in the community – with improved communication and engagement, and ensuring a single plan and a single point of contact for offenders transitioning from prison to the community.

In terms of the key themes, many respondents wanted to see the removal of or the reduced usage of short prison sentences due to the impact they have on peoples' tenancies, jobs and family ties – it was felt that this was achievable by strengthening community sentences, designing a resettlement model that considers ways to sustain benefits, jobs, housing as well as to allow adequate time for probation to refer into services and plan the release.

Feedback also highlighted challenges in accessing mainstream services as well as requests to align rehabilitation and resettlement assessment work. Alongside this, a number of responses noted the need to ensure there was accountability across government departments to ensure joined up working across housing, advanced benefits and support to find employment for those being released from prison.

A workforce with the right training and skills

Q10: Which skills, training or competencies do you think are essential for responsible officers authorised to deliver probation services, and how do you think these differ depending on the types of offender's staff are working with?

“The question of skills and training can be most suitably addressed by consolidating the employment of all qualified probation officers in a single organisation, HMPPS. The purpose of doing so would be to ensure that there is appropriate control over the number of available qualified staff to fulfil the requirements of both NPS and CRC operations.”

Consultation response, Criminal justice system staff

There were 340 responses to this question. Over a third of respondents classed life experience and interpersonal skills as the main attributes a Probation Officer should have. These responses listed skills such as empathy, motivational skills, compassion and emotional intelligence. A number of respondents cited life experience was an important part of the practical abilities to manage the client group, and that understanding of theory alone was not sufficient.

However, around a fifth of respondents stated that a degree or other form of formal qualification was essential for the responsible officer role. A similar proportion of responses cited the need for specialist training to support with working with specific client groups – such as sex offenders, domestic violence perpetrators and mental health.

Other themes raised included suggestions that current training is inadequate and Responsible Officers are inexperienced or under qualified for the jobs they are doing as a

result, and suggestions that risk assessment training or skills are essential. Those responding that a degree level qualification is essential do so to suggest that the recruitment system should be restored to how it was previously, to combat a perceived decline.

Q11: How would you see a national professional register operating across all providers – both public and private sector, and including agency staff – and what information should it capture?

“brilliant idea. would need to capture roles and expertise areas. will give a level of professionalism to the probation service that nurses, social workers etc enjoyment and will lead to need to improving training and knowledge - which is always good.”
Consultation response, Probation professional.

“Probation practitioners make decisions about the liberty of individuals and must exercise significant professional judgment. A national professional register would provide increased accountability and protection (for staff and the public). It could provide a framework for continuing professional development and keep a record of workers who have deemed unfit to practise. It is a long-standing anomaly that probation lacks a system of professional regulation comparable to those found in, for example, nursing, social care and teaching.”

Consultation response, Academic

There were 307 responses to Question 11. There was broad support for a register, with just 10% of respondents explicitly opposing a register, with reflections that this was a positive move for the professional reputation of the probation service. Around 30% of respondents stated that it should capture qualifications and length of service.

Other themes raised included suggestions that it should be a register similar to that of the Social Services. The Social Work register mandates a certain amount of Continuing Professional Development per year in order for those on the register to maintain their membership, and this was also something that people were supportive of. Responses saw it as something which would increase standards and unify training and development across Probation.

On opposition to the register, the 10% who stated that a register is not necessary and felt that obtaining the probation qualification was enough to approve you to practice and that there should not be an added layer approving or disapproving you. They felt it would either be a waste of money, difficult to maintain or a hurdle to jump through.

Improving system integration

Q12: Do you agree that changes to the structure and leadership of probation areas are sufficient to achieve integration across all providers of probation services?

“I think it is wrong to maintain the private/public split in Offender management as that is where I see most fragmentation and poor integration. Provision of interventions could remain with private/third sector but we need a unified, accountable system for managing offenders at all levels of risk.”

Consultation response, Probation professional

“We feel there is considerable merit in aligning the boundaries of Community Rehabilitation Companies and the National Probation Service regions. We are also most supportive of the proposal to develop clearer lines of accountability in each region through the appointment of a single HMPPS senior manager to oversee all probation services within the region.”

Consultation response, Voluntary sector

There were 329 respondents to Question 12. The largest proportion of responses did not provide a yes or no answer, but instead shared wider observations of the current system. Of the key themes identified, around a fifth of respondents were critical of splitting of probation services between public and private providers, believing it has created fragmentation and lack of accountability. A number of responses were critical of what was seen to be continued fragmentation in the model set out in the consultation suggesting that this would not deliver substantial improvements and that further changes were needed to achieve integration across the system. On cross-cutting themes, around a quarter of responses stated that the current system was too complicated and a similar proportion stated that probation should be integrated into the public sector.

Partnership working

Q13. How can probation providers effectively secure access to the range of rehabilitation services they require for offenders, and how can key local partners contribute to achieving this?

“A co-commissioned model would eradicate complexities and cut down on inefficiency. It requires the relevant commissioners to understand their responsibilities and recognise the benefits of systemic change. Encourage partners to get together and commission services differently. While they remain in a self-interested silo way of thinking provision remains fractured and inefficient but this will require strong leadership from either the MoJ, PCC or both.”

Consultation response, Private sector organisation

“We agree that there are benefits to be gained through the increased collaboration between all regional probation areas with regards to improved commissioning of services which can support local providers from across public, private and third

sectors. Small local charities are often more innovative and responsive to change than larger organisations but coordinating multiple small providers is problematic and can be prohibitively expensive. A commissioning framework which could be used to identify a broader range of interventions from these smaller providers would enable them to promote their work and share good practice.”

Consultation response, Sentencer

There were 309 respondents to this question. Around a fifth of respondents stated that there is the need for local commissioning functions within probation areas. Key themes within these responses stated that probation should develop local knowledge that drives the commissioning of services based on offenders’ needs. Other suggestions included proposals for a multi-agency hub where providers were provided with a platform to advocate their services and find out about offenders’ needs. A cross-cutting theme was the need ensure better collaboration with local partners, including PCCs and local authorities.

Q14. How can we better engage voluntary sector providers in the design and delivery of rehabilitation and resettlement services for offenders in the community?

“Use of community hubs where locally based providers can provide support networks and opportunities for social and emotional interaction. Establish local partnership forums and through the gate provision.”

Consultation Response, Local Authority

“We welcome all opportunities to localise commissioning arrangements, including devolution of decisions to prison governors. We would also support the proposal to establish lists of preferred suppliers through the development of frameworks.”

Consultation Response, Voluntary sector

There were 303 respondents to Question 14. Key themes raised included suggestions for introducing local commissioning function to enable better engagement with voluntary sector organisations in the design of offender services. A number of respondents suggested the need to create multi-agency forums that enable organisations to interact and work in partnership in terms of identifying needs and delivering services.

Q15: How can we support greater engagement between PCCs and probation providers, including increasing co-commissioning of services?

“PCCs are perfectly placed to take on greater responsibility for co-commissioning services in local models going forward... However, in order to assist in the joint commissioning of services, the MoJ needs to improve the quality of information available to PCCs...”

Consultation response, Police and Crime Commissioner

“If Government wish to encourage both a closer involvement of the VCSE sector and PCCs to co-commission services locally then, as a minimum, this needs to be set out

via national and local protocols, giving PCCs’ a clear role and voice in the commissioning arrangements that cover their area and establishing a mechanism for the work of CRCs (and the NPS) to be better aligned with broader local commissioning, working through partnership structures at the local level.”

Consultation response, Police and Crime Commissioner

There were 214 responses to Question 15. There was substantial variance amongst suggestions. Of the key themes identified, around 15% of responses suggested that there should be greater strategic join-up via local boards and governance structures. A number of responses suggested that probation providers could have greater input into PCCs Police and Crime Plans to support greater alignment of priorities and identification of areas of overlap. However, a number of responses also highlighted the effectiveness of existing boards, for example Local Criminal Justice Boards, in ensuring alignment between partners.

Around 15% of responses suggested that there should be greater sharing of information between probation services and PCCs, with a number of respondents highlighting that this needed to take place in a format that was meaningful – for example at a Police Force Area level.

Other themes in responses included suggestions that there was a need for increased clarity of roles and responsibilities between PCCs and probation services, with suggestions that there should be co-location of PCC or police staff with probation services, or that commissioning budgets should be devolved to PCCs. A number of responses from representatives of PCCs set out the benefits of co-terminous areas between probation areas and PCC areas and the need to ensure there was a dedicated leader for each region.

Q16: How can we ensure that arrangements for commissioning rehabilitation and resettlement services in Wales involve key partners, complement existing arrangements and reflect providers’ skills and capabilities?

“There are unique challenges delivering (and accessing) rehabilitation and resettlement services in Wales, including a lack of facilities for some groups (eg. no YOIs or women’s prisons meaning offenders leaving the country), the rurality of Wales compared to the UK as a whole (34 per cent live in rural areas compared to an 18 per cent UK average) and geographical isolation caused by limited infrastructure and transport (long travel times and limited employment opportunities).”

Consultation response, Voluntary sector

There were 241 responses to this question. There was widespread support from respondents for the proposals in Wales to bring offender management under one organisation, with respondents suggesting that this reflected the devolved landscape and the partnership arrangements in Wales. Across respondents, the proposals were broadly

considered as a positive step to enhancing integrated working and bringing a more consistent and effective delivery of services.

A number of responses suggested the need to ensure continued engagement with the Welsh Government on the development, design and governance arrangements to ensure proper alignment. Many partners noted the strong partnership links and collaborative working already established in Wales, including existing partnership arrangements such as the Community Safety Partnerships, and felt the proposals should work alongside and build on these in order to reduce duplication in existing services, and encourage partners to design, develop, commission and deliver in an integrated way.

There was support for co-commissioning arrangements across partners, including the voluntary sector, PCCs and Welsh Government. A number of respondents suggested that inclusive commissioning processes based on local needs assessments would be key to ensure more specialised providers are not excluded, as well as considering the future scale of contracts to allow smaller organisations the opportunity to bid. Co-location with partners where possible was also suggested to reduce estate costs and duplication of service, promote joint working and provide a more holistic level of support for the individual.

Q17: What should our key measures of success be for probation providers, and how can we effectively encourage the right focus on those outcomes and on the quality of services?

“rehabilitation success, and a resulting fall in reoffending, is clearly a strong indicator of the positive effect of probation work, but trends in criminal offending are affected by many social and economic factors.”

Consultation response, sentencer

“Quantitative measures should continue to have a place. The SLA measures have helped to ensure that offenders are seen speedily after sentence, have risk assessment and sentence plans completed within appropriate timescales and ensure that when in breach enforcement is taken in a timely manner. Quantitative measures are not the sole answer but neither should their importance in lifting sentence delivery and improving sentencer and public confidence be underestimated.

Alongside the quantitative measures, we also need ways to assess the quality of the work that is being undertaken.”

Consultation response, Probation professional

There were 331 respondents to Question 17. Around a half of all respondents felt that a reduction in reoffending was the most important measure of success for probation providers, with around half of respondents highlighting importance of measuring positive progress related to reduced reoffending, and the need for effective collaboration with other agencies to deliver this. Other key themes from respondents include measuring success

by outcomes rather than inputs. Many respondents mentioned the need to measure type, rate, and seriousness of re-offending to reflect progress towards desistance, and there was also a recognition of the limitations of measuring re-offending.

A focus on the quality of service delivery and high quality interventions received considerable support from Providers and the voluntary sector, with nearly 40% of respondents referring to the need to take a qualitative approach to measuring success. This was often linked to the quality of engagement with offenders, and whether they feel supported, ready and willing to change.

Conclusion and next steps

108. We will commence market engagement in May 2019 and will start with three regional launch events in London, Manchester and Cardiff to discuss with the market our revised model – including an overview of the proposed approach to competitions for Unpaid Work, Accredited Programmes and the approach to the dynamic framework for Rehabilitation and Resettlement interventions. We will then continue to engage the market in the development of the solutions and commercial models over the summer and early autumn.
109. Details of these events will be published on the consultation website¹⁹ and providers should contact strengthening.probation@justice.gov.uk mailbox with any queries.

¹⁹ <https://www.gov.uk/government/publications/strengthening-probation-building-confidence-consultation-events-and-materials>

Annex A: List of organisations which responded to the consultation

Public Bodies, Think Tanks and Campaign Groups

Association of Youth Offending Team Managers
BSA – The Business Services Association
The Centre for Social Justice
Centre for Justice Innovation
HM Inspectorate of Probation
The Howard League
Plaid Cymru
Parole Board for England & Wales
Prison Reform Trust
Public Health Wales
Napo
Napo Cymru branch
Napo SSW branch
UNISON
The Trades Union Congress (TUC)
Welsh Government
Youth Justice Board

Local Authorities

Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire Borough Council
Cardiff Council
East Riding of Yorkshire Council
Greater Manchester Combined Authority
London Borough of Bexley
London Borough of Lewisham
London Borough of Sutton
Preston City Council
Rhondda Cynon Taff County Borough Council
Royal Borough of Greenwich
Southwark Council
Stockton on Tees Borough Council
Torfaen County Borough Council

Police and Crime Commissioners

APACE

APCC

Avon and Somerset PCC

Cambridgeshire and Peterborough PCC

Cheshire PCC

Devon, Cornwall and the Isles of Scilly PCC

Dorset PCC

Durham Tees Valley PCC

East Midlands PCCs

Essex PCC

Gloucestershire PCC

Gwent PCC

Hampshire PCC

Mayor of London - MOPAC

Northants PCC

Northumbria PCC

South Wales PCC

South Yorkshire PCC

Suffolk PCC

Surrey PCC

Sussex PCC

Thames Valley PCC

Warwickshire and West Mercia PCC

West Yorkshire PCC

Private sector organisations

Achieving Real Change in Communities (ARCC)

Amberside Capital Ltd

Durham Tees Valley CRC

Electronic Monitoring Services

Maximus UK

MTCnovo

Peopleplus

Reducing Reoffending Partnership (RRP)

Seetec

Serco Group PLC

Sodexo

VQ Assessment Service Ltd

Wales CRC

Working Links

WWM CRC

Sentencer organisations

Bedfordshire Bench of Magistrates
Council of Her Majesty's Circuit Judges
Justices' Clerks' Society
Magistrates Association
Sentencing Council

Voluntary sector organisations and umbrella bodies

Abandofbrothers
Accord Housing Association
Achieve North West Connect
Advance
Agenda
Alphapark Accomodation Limited
Blackburn & Darwen District Without Abuse
Changing Lives
Circles UK
Clinks
Community Action Suffolk
Community Led Initiatives
Criminal Justice Alliance
The Disabilities Trust
Expectations UK
Fulfilling Lives Project, Blackpool
Fulfilling Lives, Kent, Sussex and Surrey
The Forward Trust
Games for Life (CIC)
Golden Key
Greater Manchester Women's Support Alliance
Hibiscus Initiatives
Humankind (formerly DISC)
Impact Investment Network
INQUEST
Interserve
Khulisa
Langley House Trust
Lloyds Bank Foundation
Making Every Adult Matter (MEAM)
Nacro
The Nelson Trust
NEPACS
New Philanthropy Capital

New Professionals, Cheshire and Greater Manchester
Nottingham Women's Centre
Novus
Offploy CIC
Open Road
Partners of Prisoners and Families Support Group (POPS)
Penrose Criminal Justice Services
Prison Advice
Project Managers for Inspiring Futures through the Arts – Worcestershire Arts Partnership
Rainbow Services (Harlow)
Revolving Doors Agency
RISE Mutual CIC
Safer Lambeth Partnership
Shaw Trust
Shelter
St Giles Trust
SUIT (Service User Involvement Team)
SOVA
Support Staffordshire
T2A
Trailblazers Mentoring
Third Sector Consortia Management LLP (3SC)
Thirteen Housing Group, Durham Tees Valley
The Traveller Movement
Together for Mental Wellbeing
Voluntary Action North Lincolnshire
Ubique Partnerships Ltd
Unlock – for people with convictions
Welsh Women's Aid
Why-me?
Women in Prison
YSS

Other Criminal Justice bodies

Business Development and Innovation Board of North Yorkshire Local Criminal Justice Board
Cheshire Constabulary
The Collective Criminal Justice Agencies operating in Devon and Cornwall
Criminal Justice Beds, Herts and Cambs collaboration
Staffordshire Police
South Yorkshire Criminal Justice Board

Annex B: Equalities considerations

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:

- eliminate discrimination against people on the basis of protected characteristics;
- advance equality of opportunity;
- foster good relations between different people when carrying out their activities.

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

We have considered the implications for protected groups of our changes to probation throughout the development of our plans. We have given specific consideration to understanding the implications of any change 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, such as female, disabled or Black and Minority Ethnic (BAME) offenders. We aim to place support for vulnerable offenders at the centre of the new arrangements.

Understanding what is at stake

We have adopted an evidence-led approach to inform our understanding of the groups most affected by probation work. 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.

Our research has confirmed some gaps in the data, something that stakeholders have highlighted and which was central to the recent Lammy Review of Black, Asian and Minority Ethnic (BAME) representation in the Criminal Justice System. This is something which we are committed to address. The Government’s response to the Lammy Review accepted his finding in this respect.

Current CRC contracts are lightly specified in terms of additional support required for those with protected status under the law. For example, there are only three female-specific contract requirements: a woman should be offered a female supervisor; can report in a women-only space; and is not placed as a lone woman in an unpaid work group (unless content). The Chief Inspector, in particular, has 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.

The paragraphs below summarise key published data on the representation of offenders with protected characteristics in the probation system where data is of sufficient quality; where it is not, information on the prison population is used as a point of reference. Any changes made to the probation system may therefore disproportionately impact some of these protected groups. These impacts can be both positive and negative, as well as neutral.

Race

- At 31 March 2018²⁰, White prisoners made up almost three quarters (60,724 or 73%) of all prisoners. Prisoners who declared their ethnicity as Black, Asian or Minority Ethnic (BAME) represented 21,992 (or 26%) of all prisoners. The remaining 547 prisoners had an unstated or unknown ethnicity.
- At 31 March 2018, the largest BAME grouping of prisoners was Black or Black British with 10,427 (13%) of all prisoners. Asian or Asian British made up 8% (6,691) of the prison population. The smallest grouping was Other ethnic group with 1,178 prisoners (1%).
- For those starting Court order supervision in 2017, 82% of those who responded identified as White, and around 17% as BAME. Around 1% did not state an ethnicity.
- For those starting post-release supervision, 79% identified as White, around 20% as BAME and 1% did not state an ethnicity.
- In the 2011 Census there were 3% of people aged 15 or over who were Black or Black British and 7% who were Asian or Asian British. Care should be taken when comparing with the population of the 2011 Census as there have been changes in the general population (particularly migration) since that point. Overall, 12.5% of the general population were from BAME ethnic groups.
- This suggests that BAME groups are overrepresented in the prison and probation population when compared to the general population, particularly those who identify as Black or Black British, and those who are from White groups are also underrepresented.

Sex

- As per the 2011 census, 49% of the general population are men and 51% women.
- Men are disproportionately represented in the prison and probation systems. As of March 31 2018, males account for 95% (79,463) of the prison population, and females 5% (3,800).

²⁰ Data for the prison population on 31 March, 2018 comes from the Offender management statistics quarterly publication for 2017 (<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>)

- Within probation, 107,323 men (84%) and 20,467 (16%) women started court order supervision in 2017.

Disability

- Data collected about disability in custody or probation is not of sufficient quality to be published at this stage. However, we know that a significant proportion of prisoners have mental health issues, which is likely to be reflected in the probation population, particularly for those released on licence.

Sexual orientation

- Of those who declared their sexual orientation, 97% of prisoners identified themselves as Heterosexual with 71,901 prisoners, while 2.6% (1,954) identified as Gay/ Lesbian/ Bisexual or Other (LGB). Of those prisoners who identified as LGB, Gay/Lesbian were the largest group accounting for 972 offenders (1.3%) of the prison population at March 2017 and 900 (1.2%) identified as Bisexual.
- We do not currently have data of sufficient quality about sexual orientation in probation.
- In the 2016 annual population survey²¹, 2% of the UK population aged 16 or over identified themselves as lesbian, gay, or bisexual. This is similar to proportions reported in prison populations.

Age

- By age, the most represented group was those of ages between 30-39 with 25,218 or 30% of prisoners as of 31 March 2018.
- Current data trends demonstrate that the younger offender population is decreasing and the older population (50 years +) is increasing. Whereas the older population tend to be more compliant, the increase in this population will present all providers of probation services with challenges to develop services which are responsive to age-related health conditions, including dementia. Evidence also suggests that younger adults are less likely to successfully complete their community order / suspended sentence order, unpaid work or an accredited programme than older people.

Gender Reassignment

- 47 of the 124 public and private prisons (38%) in England and Wales said that they had 1 or more transgender prisoners²².
- There were 125 transgender prisoners recorded in the 2017 NOMS annual equalities report 2016-17, compared to 70 transgender prisoners recorded in the 2015-16 report.
- The figures give an estimate of the number of transgender prisoners and are likely to underestimate the true number. There may be some transgender prisoners who

²¹<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2016>

²² Data for the prison population on 31 March 2018 comes from the *Offender Management Statistics quarterly: October to December 2017* (<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>)

have not declared that they are transgender or had a local transgender case board, and some who do not have a Gender Recognition Certificate.

- We do not currently have data of sufficient quality to help inform the likely impacts on community offender gender reassignment in probation.
- 2011 census data does not include information on the proportion of the population who are transgender: work is underway to better progress information on gender identity²³.

Religion or belief

- Christianity was the largest religious affiliation for those who recorded a religion, with 41,230 prisoners identifying themselves as Christian (48% of the prison population). This proportion has reduced from around 52% in 2007. In the 2011 census, 59% of the general population identified as Christian, suggesting that Christians are slightly underrepresented in the prison population.
- The second largest group was those with no religion with 25,711 prisoners (31% of the prison population), compared to 25% of the general population when compared to the general population. This suggests that this group is overrepresented in the prison population when compared to the general population.
- The proportion of prisoners identifying as Muslim grew steadily between 2002 and 2018. In 2002, Muslims made up 7.7% of the prison population, as of 31 March 2018 this figure was 15.4%. 5% of the general population identify as Muslim, suggesting that this group is overrepresented in the prison population and so likely to also be overrepresented in the probation population when compared to the general population.

Pregnancy and Maternity

- In 2016/17, 96 applications were received for admission into Mother and Baby Units in custody. Of these, 67 applications (70%) were approved and 12 (13%) were refused. There were 17 applications from women who were released from custody or who withdrew their application.
- We currently do not have reliable information on pregnancy/maternity in probation.

Marriage and Civil Partnership

- We currently do not have reliable information on marriage and civil partnership in either prison or probation.

Probation Staff

Information about the protected characteristics of probation staff is outlined below. CRC reports are of varying quality, and staff declaration rates within the NPS are (with the exception of age and sex) under 60%, so cannot be analysed in detail at this stage. Changes made to the probation system may therefore indirectly have more impact on

²³<https://www.ons.gov.uk/methodology/classificationsandstandards/measuringequality/genderidentity/genderidentityupdate>

some protected groups than we are currently able to evidence. These impacts can be both positive and negative.

Race

- Declaration of ethnicity in the NPS is under 60% so is not analysed or published.
- Information on ethnicity in CRCs varies in quality and results per region. In London, the workforce shows most BAME representation, with almost 60% declaring that they are BAME. Some are lower in BAME representation, though in some cases, such as Durham Tees Valley, this is reflective of the local population.

Sex

- In the NPS, 76% of employees are female.
- This is similarly reflected in CRCs, with females making up around 57% - 75% of the workforce. Information provided by some providers indicates that females are also overrepresented in some grades: in Northumbria all 23 case administrators are female and only 18 of 90 authorised officers are male. Similarly, in South Yorkshire, of 37 case administrators only 2 are male.

Disability

- The declaration rate for disability in the NPS is below 60% so not deemed reliable enough for analysis or publication.
- Disability information from CRCs indicated that disability is largely underrepresented in CRC staff when compared to the general population.

Sexual Orientation

- The declaration rate for sexual orientation in the NPS is below 60% so not deemed reliable enough for analysis or publication.
- Declaration rates in CRCs are also relatively low.

Religion or Belief

- The declaration rate for religion or belief in the NPS is below 60% so not deemed reliable enough for analysis or publication. Again, this is mirrored in CRCs.

Age

- 14% of NPS staff were under 30 years of age, 50% were 30-49, and 35% were over the age of 50.
- Data categories between CRCs are not consistent, making direct comparison difficult.

Marriage and Civil Partnership

- We currently do not have reliable information on marriage and civil partnership in the probation workforce.

Policy development process – drawing on the consultation response

the question of equal treatment is at the centre of the changes we are making. Our proposed reforms provide an increased focus on particular cohorts of vulnerable offenders - so In addition, we have taken steps to factor in equalities considerations throughout the policy development process, beginning with the public consultation on future arrangements, published in 2018.

As part of the public consultation we asked respondents for their views on how we can ensure that the needs and vulnerabilities of different cohorts of offenders are better met by probation (question 8). We received 341 responses that broadly aligned with our proposed plans to improve how we deliver services for vulnerable offenders. These responses have added to our thinking on the impact of different delivery models and provided a range of suggestions for future improvements, further emphasising the importance of this focus.

Five key points emerged, which are summarised below:

- 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.
- 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 – so that might include appointments exclusively for women on certain days and having mental health workers or those with knowledge of learning difficulties and disabilities embedded within teams
- The relationship with the supervisor/ probation officer is key. That requires time and training, including continuous professional development. Often needs are not known when cases are received. Even obvious needs such as homelessness, substance misuse, or significant childhood trauma, for example, will only be disclosed if there is time and space for a relationship to develop.
- 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, direct, 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.
- 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 needn't 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 allowed more time to become embedded and prove their value.

The focus on vulnerable cohorts of offenders, including those with protected characteristics, as part of ongoing policy development should ensure that future probation arrangements are an improvement on current arrangements. For instance, where the Government has already made commitments to female or BAME offenders (i.e. via the Female Offenders Strategy²⁴ and the response to the Lammy Review²⁵) we will seek to contractualise these commitments. 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 integrated offender management schemes. Finally, we will make resettlement services available to foreign national offenders, where they are likely to be released in the UK.

As set out in the Consultation Response, our changes to the structure of the probation system will provide a strong foundation for efforts to improve provision for vulnerable offenders, including those with multiple and complex needs, disabilities, those from minority groups and others at risk of discrimination on the basis of protected characteristics. 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. The creation of a dynamic framework for resettlement and rehabilitative interventions will promote the involvement of smaller suppliers which often cater to particular cohorts of offenders. And stronger partnership working arrangements will enable more joined-up support for groups which face disparities of outcome across the criminal justice system

Promoting equalities considerations in future workstreams

The changes set out in this consultation response cover the overarching structure of future probation arrangements. Further work 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:

²⁴ <https://www.gov.uk/government/publications/female-offender-strategy>

²⁵ <https://www.gov.uk/government/publications/lammy-review-final-report>

- Rigorous data collection, monitoring and analysis (including the recommendations from the Lammy Review to ‘explain or reform’ any disparity).
- A workforce strategy which emphasises equalities in both the training and the continuous professional development offer (including specific training on working with female offenders) and which focusses on workforce diversity - including ambitions and schemes to advance under-represented groups into management and senior leadership roles.
- Culturally competent practice/ service design - including the commitment in the HMPPS Equality Strategy that all new interventions/ services have an explicit focus on equality in their design. In the case of female offenders, this will mean ensuring that services are gender and trauma informed, and designed by, or in consultation with, experts in this area.
- A supply chain which includes the voluntary, community and specialist sector where they have experience or expertise in providing services to minority groups – especially when under supervision in the community.
- Improved governance, leadership and scrutiny - including the appointment of senior leaders with responsibility for the elimination of disparities.

The following paragraphs expand on these commitments in more detail.

Data collection

There are nine protected characteristics that fall within the Equality Act (2010): sex, race, disability, age, sexual orientation, religion and belief, gender reassignment, marriage & civil partnership, pregnancy & 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, MoJ are keen to support carers in MoJ and understand the impact of Social Mobility and have considered the impact on these groups.

Current data on protected characteristics needs improvement, and forms a key part of our new approach of driving performance improvement. We hope 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 Pre-Sentence Report.

We are also keen to establish a strong evidence base on re-offending, to help us better understand the needs of re-offenders and how best to work with them. Reducing re-offending is a core aim of probation service and the Ministry of Justice, this has informed the recent plans for short-sentencing reform. There are some significant evidence gaps

and more research is needed before specific recommendations can be made to the probation programme.

Workforce strategy

In terms of our reforms to the workforce, while 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 - and in particular may advance younger probation staff (a disproportionately high volume of whom were 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 will 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.

The Ministry of Justice has several overarching policies to promote Diversity and Inclusion (D&I) in place, including the Social Mobility Action Plan²⁶. D&I will be a key consideration as staff are moved into the NPS, and we plan to ensure that any changes encourage D&I, creating a workforce that reflects our society.

We will wherever possible engage with trade unions and staff in advance of the formal process to support staff during this process and are already in fortnightly discussions with trade unions and regularly engage with senior leaders across NPS and CRCs in their Senior Leader Meetings on staff issues and planning.

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

Service design and contract tendering

We are keen to learn from the CRCs, and ensure that equalities considerations are central to the new operating model. As a result, we plan to ensure that the evaluation questions that form part of the Invitation to Tender emphasise the need for bidders to appropriately consider 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

²⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683398/moj-social-mobility-action-plan-summary.pdf

bidder to describe in specific and measurable ways how they will provide services which show a clear understanding of the local needs of offenders and the delivery landscape.

For instance, for Unpaid Work we will ask bidders to describe how they will meet the needs of offenders with protected characteristics - in particular how they will find a suitable placement for those with low maturity, learning disabilities or language difficulties. Furthermore, we will ask how they will ensure female offenders are provided with local employment options (which account for childcare responsibilities) 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

We will continue to monitor the development of this approach, including policy and service design to ensure that we fully consider the equalities impact of any changes or proposals. This statement will be updated, where necessary, as our proposals progress.

To ensure oversight on this area we are convening a reference group of policy officials, legal professions, analytical leads, and equality experts. This group will monitor the progress of our reforms, guaranteeing that equality considerations are at the heart of the new approach. The group will consider any possible implications and mitigations to the risk of adverse impact on those with protected characteristics. The group will also be responsible for providing timely advice to ministers and ensuring they are fully signed on equalities impacts, as detailed proposals for the design and implementation of new services are brought forward.

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