



Ministry  
of Justice

# Government Response to the Justice Committee's Ninth Report of Session 2017- 19: Transforming Rehabilitation

June 2019





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This information is also available at [www.gov.uk/government/consultations/strengthening-probation-building-confidence](http://www.gov.uk/government/consultations/strengthening-probation-building-confidence)



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## Introduction

The Government welcomes the report of the Justice Committee on Transforming Rehabilitation. The following document provides a response to each of the Committee's recommendations which takes account of developments since the publication of the report in June 2018. In particular, responses to individual recommendations should be seen in the context of the planned reforms set out in the Government's response to the public consultation *Strengthening Probation, Building Confidence*.

The importance of the Justice Committee's report is reflected in the Government's decision to end contracts for Community Rehabilitation Companies early, in the publication of the public consultation on the future of probation, and in the nature of the strategic changes being brought forward. These changes are intended to directly address the structural challenges identified by the Justice Committee and reiterated in feedback from the public consultation, subsequent reports from other key stakeholders such as HM Inspectorate of Probation, and by our own internal analysis of lessons learned from Transforming Rehabilitation.

## Structural Issues

**We recommend that any significant changes made by the Ministry of Justice to CRC contracts, including those currently underway, should be publicly disclosed. This disclosure should include information on any significant changes to the payment model and funding for CRCs, as well as information on what the Ministry expects to receive in return for the changes. (Paragraph 42).**

Notice of significant changes made by the Ministry of Justice to CRC contracts have been published in the Official Journal of the European Union (OJEU). Regarding recently agreed changes, notice of confirmation that contract changes have been agreed was published on 8<sup>th</sup> February 2019. In the event that the Department makes any future substantial changes to the CRC contracts it will comply with any applicable transparency requirements in accordance with the Public Contracts Regulations 2015 including, for example, publication of Modification Notices in the Official Journal of the European Union.

**The Ministry of Justice should move away from a “sticking-plaster” approach of rolling contract negotiations following the current round of renegotiations. If contracts are to be terminated the Ministry of Justice needs to ensure that transition plans are put in place which make sure that: offenders receive the support they require to be rehabilitated and their risk of reoffending does not increase.**

**The Ministry should undertake a public consultation on any further changes to ensure a wider range of views on contractual arrangements. This public consultation should consider the number of CRCs and the bodies eligible to bid for CRC contracts (Paragraph 46).**

We have taken action to terminate existing contracts early and put in place new arrangements for delivery of probation services. We also made changes to secure operational stability over the remaining, shortened, period of existing CRC contracts, including investing an additional £22 million a year in Through the Gate support for offenders when they leave prison.

Between 27 July and 21 September 2018, we conducted a public consultation, *Strengthening probation, building confidence*. This sought the views of stakeholders and the wider public on a range of proposals for the future of probation. We have taken consultation responses into account as we have developed our new plans and set out the action we intend to take and our strategic approach to the future arrangements for delivery of probation services in our response on 16 May.

We are developing a transition strategy to ensure a smooth handover from incumbent providers to new providers, and effectively manage the integration of offender management responsibilities into the National Probation Service. This will include a variety of measures to protect operational continuity of services and minimise uncertainty for staff and offenders, informed by our ongoing engagement with Trade Unions and other partners. We will also ensure we learn lessons from the integration of offender management delivery in Wales, which we plan to deliver by the end of 2019.



**The Ministry of Justice should continue to closely monitor the financial position of all CRCs to ensure that no CRC is suddenly unable to deliver probation services. It should ensure its contingency plans reflect the Principles set by the National Audit Office in its paper on "Managing Provider Failure". (Paragraph 49).**

We accept this recommendation. As part of our full review of probation services, we have built a comprehensive picture of CRC finances. While the Department expects all CRCs to continue delivering services throughout the remaining life of the contracts, we have extensive contingency plans in place should any provider be unable to deliver their contractual requirements. We have a contingency steering group which regularly reviews the likelihood of provider failure, based on commercial, financial and operational intelligence. We have detailed contingency plans in place for all contracts, which align with the National Audit Office principles. The plans have been developed, reviewed and tested with input from relevant functions within the Ministry of Justice and HMPPS, relevant specialists across government, key officials involved in the implementation of contingency responses in other government areas and external advisors. The plans are subject to regular review.

The Department's response to the Administration in February 2019 of CRCs operated by Working Links demonstrates the strength of our contingency planning. The Department arranged for and oversaw a successful transfer of affected services in the South West and Wales to Kent, Surrey and Sussex CRC (operated by SeeTec). Probation services remained fully operational throughout this period.

**The Ministry should conduct a review after HMI Probation's new inspection regime has been in place for a year to assess: the number of providers who are rated 'good' or 'outstanding'; the additional burden being placed on providers because of the increased frequency of inspection; and whether there were any elements of the inspection and audit regimes which could be consolidated. (Paragraph 55)**

We do not accept this recommendation. A Memorandum of Understanding (MoU) on inspections has been agreed between the Ministry of Justice, HM Prison and Probation Service and HMIP. The MoU is regularly reviewed and will be fully updated in due course to reflect the implications of future probation arrangements for the oversight of probation.

The MoU sets out how HMIP will target its recommendations following inspections and how the Ministry will respond to HMIP's recommendations (and the implications for differing perspectives between contractual standards/SLAs and HMIP inspection standards).

It also sets out an agreed approach to oversight of the probation system following the introduction of the inspectorate's new inspection methodology from April 2018. HMIP is in the process of consulting on lessons learned from the first year's application of its new inspection methodology.

Given the different roles and remits of inspection and audit there are limits on the extent to which these functions can be consolidated. To avoid placing an excessive burden on individual providers, the MoU confirms that HMIP and the Operational Assurance team in HMPPS will share timetables of inspection and audit visits and liaise on any issues arising from the timetabling.

The role of HMIP in providing an independent oversight of the quality of probation services will continue under future arrangements and HMI Probation will continue to independently set and review their inspection standards. MoJ and HMPPS will work closely with the inspectorate so that HMIP can consider the best approach to its future inspection regime taking account of the proposed changes to structures.

**The Ministry of Justice should review contract performance measures so that they focus on outcomes, especially on housing, employment and drug rehabilitation, rather than inputs or outputs. This review should be completed by 1 February 2019 (four years after probation services were fully divided between the NPS and CRCs). (Paragraph 62)**

Given their shortened duration the Government does not intend to review or make significant changes to existing CRC contract performance measures. As part of the programme of work underway to implement the changes set out in the Government's response to the consultation Strengthening Probation, Building Confidence, we are developing key performance outcomes and measures to hold the National Probation Service and future contracted providers to account on their respective responsibilities. It remains our intention, as set out in the consultation response, that the future performance framework will take an outcome-focused approach to measuring quality of service delivery. It will be the responsibility of the NPS to ensure offenders receive the right interventions to improve outcomes such as accommodation, employment and health, and ultimately reduce re-offending. We will ensure the contract performance measures drive providers to focus on the quality of the services they deliver, in order to support changed lives and reduced reoffending. We will set out more detail in due course.

**In response to this Report the Ministry should set out whether the 2011 baseline for reoffending is the correct measure against which CRC performance should be assessed. If the Ministry believes that the 2011 baseline remains the correct measure it should set out its reasons why. (Paragraph 66)**

We set out in the consultation that, to provide a better reflection of CRC performance on frequency of reoffending, and to support providers in maintaining effective probation services, we would offer to amend contracts to measure CRCs against a 2015/16 baseline, rather than a baseline set in 2011. We have agreed to vary contracts with 20 of 21 CRCs. Merseyside CRC, which is owned by Purple Futures, chose to retain the 2011 baseline.

**By January 2019, when the next annual cohort data is released on final binary and frequency reoffending performance, the Ministry should ensure that CRCs receive full data relating to which of their offenders reoffended. (Paragraph 71)**

The Ministry of Justice does not have control access to the Police National Computer data, on which reoffending performance is based, and is unable to give access to the data to CRCs. This was explained during the bidding phase for CRC contracts, and some CRCs have made arrangements to access the data themselves at cost. To enable CRCs to assess progress against their targets, the Ministry of Justice published interim figures during the period in which full 'one year' reoffending results were not available. We continue to provide these interim figures to all CRCs.

**In response to this Report the Government should set out what other steps it is taking to address underperformance of CRCs, including in cases where service credits are not applied. (Paragraph 74)**

We have acknowledged that CRCs need to do more to improve performance in some areas. As part of negotiations on current contracts, we have introduced changes to improve performance over the now shortened remaining term of the contracts, including implementation of a new requirement to offer a minimum of monthly face-to-face contact with offenders and an enhanced specification for Through the Gate services.

Our contract management teams continue to robustly monitor CRC contracts. Assurance includes a combination of tracking compliance against contractual obligations and assessment of the quality of service delivery. Contract Management teams have identified a series of 'risk based' areas – key areas of service delivery where the greatest attention is required. There are strict monthly reporting processes, including the provision of detailed management information, to facilitate robust oversight of these areas.

Where CRC service level performance is below a prescribed level, Contract Management teams implement improvement plans to address service delivery against a specific performance metric. As of February 2019, there were 26 specific improvement plans in place across 12 of the CRCs and covering 7 service metrics.

CRCs are also required to implement action plans to address HM Inspectorate of Probation and Operational and System Assurance Group findings and recommendations. Contract Management teams agree these plans with CRCs before implementation and hold CRCs to account against the recommendations using monthly governance arrangements.

Our starting presumption is that service credits are applied if accrued by CRCs for under-performance. On those occasions where it has been considered appropriate not to apply the service credits we have instead sought to agree a reinvestment of the value of the service credit back into the delivery of services.

**Should the Government decide that probation services should continue to be delivered as per the Transforming Rehabilitation reforms, we recommend that the Government should ask HM Inspectorate of Probation to conduct a review of how best offenders should be distributed between the NPS and CRCs, and to investigate the impact of changing offender risk and how the NPS and CRCs manage this matter. (Paragraph 76).**

As set out in the Government's response to the probation consultation, the split in responsibility for offender management on the basis of risk will not be retained under future probation arrangements. In future the National Probation Service will have responsibility for managing all offenders on a community order or on licence following release from prison. This clearer set of responsibilities will reduce duplication of roles and improve clarity and accountability whilst ensuring that we make the best use of wider private and voluntary sector provision.

There are clear benefits for risk escalation procedures to having a single organisation 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 – as well as improving continuity of supervision and removing inefficiencies

as cases will no longer be required to be passed between the NPS and CRC as assessment of risk changes.

**The Ministry of Justice should assess whether it remains appropriate to encourage the NPS to use CRC Rate Card services, or whether the NPS should be liberalised to develop its own supply chain as a matter of course (Paragraph 87).**

Transforming Rehabilitation showed that real partnership working between public and private sectors can drive innovation. We recognise however that some CRCs have struggled to invest in the development of their supply chains and have often relied on developing and delivering Rate Card services themselves. This has affected the range of services they have been able to make available through the Rate Card and there has been much lower than expected use of rate card services by the NPS.

Under plans for future probation arrangements, we are committed to harnessing 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 NPS will source these services from the market. Each NPS region will have a private or voluntary sector partner responsible for direct provision of Unpaid Work and Accredited Programmes, and supporting the NPS to identify and deliver wider innovation.

We intend to create a separate dynamic commercial framework across England and Wales for the NPS to directly procure rehabilitation and resettlement services under future probation arrangements. This is central to our plans to streamline the system and develop a greater role for smaller providers, including voluntary sector providers in future probation arrangements. Our market analysis has shown this approach, which will allow for more direct and flexible local and regional approaches to commissioning services, would be welcomed by the voluntary sector.

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. Contracts will be designed flexibly, so that innovative approaches that show results can be quickly identified and spread across the wider system.

**We recommend that in response to this Report the Ministry of Justice should set out its vision for future local accountability of probation and the role that Police and Crime Commissioners might play. (Paragraph 90)**

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 the local criminal justice system. We want NPS 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 reduce 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.

## Providers and Working Relationships

**We recommend that from 1 February 2019 the Ministry of Justice should publish information on probation supply chains for each CRC area and NPS region on a quarterly basis. This should include information on all sub-contractors (not just those in the voluntary sector) and the monetary value of the sub-contracts. (Paragraph 100)**

We do not accept this recommendation. Under Schedule 4 of the Amended and Restated Services Agreement we cannot publish information which has supplier information included, without their permission, as it is commercially sensitive.

However, we are working with providers to seek agreement to publish sub-contractor lists on a quarterly basis and improve transparency in this respect. The Ministry will require agreement from both the Parent Organisations and Sub-Contractors themselves for this information to be published.

We will monitor the health of CRC supply chains by requiring confirmation that payments due to supply chain partners are made in line with contractual obligations.

**We recommend that the Ministry of Justice should consider, in response to this Report, what benefits might be gained from reintroducing targets for each Community Rehabilitation Company on the proportion of its budget which should be spent on voluntary sector provision, and whether involving some of the smaller, more specialised voluntary sector organisations could be incentivised. (Paragraph 102)**

Given their shortened lifespan we do not intend to introduce new requirements or targets for Community Rehabilitation Companies.

In future arrangements we want to see a much 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. To make the most of the range of providers available, we believe that these interventions should be commissioned and delivered locally where possible.

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).

**By 1 February 2019, the Ministry of Justice should review the ISPA, with a view to reducing its length and complexity. The Ministry should write to the Committee after that review to set out the changes that it has made. (Paragraph 106)**

We received significant feedback on the ISPA in the responses to the consultation and continue to review how we best ensure the contract meets the needs of the supply chain. The MoJ is committed to ensuring voluntary sector participation in procurement.

**We recommend that the National Probation Service and Community Rehabilitation Companies should be required to provide the Ministry of Justice with workforce data on a quarterly basis. This should include information on the recruitment and retention rates for Probation Officers and other case managers by grade, and total workforce numbers by NPS area and CRC. This data should be published by the Ministry as part of its quarterly statistics. (Paragraph 116).**

As of October 2018, workforce data – including information on recruitment and retention – is collected from CRCs as well as the NPS. The CRC providers are the owners of this information, and given it is commercially sensitive, publication is not possible.

However, the Ministry is utilising this information to support whole-system probation workforce planning and the design of future contracts. In addition, we are investigating whether this information can be shared publicly.

**We recommend that from 2019 all providers, both CRCs and the NPS, should be required to use the same, or a similar, staff survey each year. Results of those staff surveys should be published for the seven NPS areas and the 21 CRCs. (Paragraph 119).**

In future, all offender management will be delivered by NPS staff, who are civil servants. They will therefore be subject to the wider Government staff survey.

**We recommend that the Ministry of Justice should publish a probation workforce strategy, which covers both staff working in the NPS and CRCs, in the next 12 months. As a minimum, the strategy should set out the Ministry's expectations with regard to professional standards, training, maximum caseloads/workloads for probation staff. This strategy should be developed in consultation with the trade unions and HM Inspectorate of Probation. (Paragraph 126).**

We do not accept this recommendation. Rather, HMPPS is developing a wide-ranging HR programme as part of its professional recognition programme. We recognise that resource requirements to manage cases will vary. As a result, HMPPS is seeking to deploy a common tiering framework for offender management to enable comparisons of workload. Current workforce planning assumptions for offender management are for average caseloads to be below 60. This is in line with HM Inspectorate of Probation guidance, which states: "Aggregate caseloads of more than 60 cases would normally be considered difficult to supervise effectively."

We are working hard to recruit more probation officers. In 2018, 707 Probation Service Officers were appointed, some of whom will be training to become qualified probation officers.

We also 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 and intend to bring forward legislation when Parliamentary time allows to establish this. This will help ensure there is a shared identity and culture amongst all staff who will be in the NPS in the future.

**By 1 February 2019, the Ministry of Justice should ensure that security constraints and IT barriers which prevent data from being shared between organisations involved in managing an offender from the point of arrest, in prison and through to support in the community are proportionate. This should include identifying how the number of IT systems could be rationalised and/or linked so that the same data is not repeatedly inputted into different systems. (Paragraph 131)**

As outlined in the consultation, we recognise the importance of simplifying data access and improving data sharing. Action is already underway to facilitate better access to essential data for probation providers.

Data sharing arrangements with other departments already exist, including with the Police, DWP, HMRC as well as between prison and probation services. Since January 2018, HMPPS has taken in-house the management of the prison case management system, Prison NOMIS, and the risk and needs assessment tool, OASys. This enables us to make changes and develop Application Programme Interfaces (APIs), which facilitate greater, faster and better data sharing internally and externally. This includes an interface to the MoJ analytics platform and performance platform. Work is also underway to migrate the probation case management system, National Delius, to a new cloud environment that is expected to reduce a number of the current access and related security constraints. This is due to be completed by the summer.

As part of the development of the next generation of probation services, we plan to simplify data access and exchange across HMPPS digital services and deliver improvements to IT systems. We are working towards greater centralisation of data systems, in particular those relating to risk and needs assessments, and improved data sharing within HMPPS and with external partners. The HMPPS Digital and Technology Strategy is looking to address the current need for users to have access to multiple HMPPS systems and work towards establishing data services that provide the relevant information the user needs via a single interface.

## Support for Offenders on Probation

**We recommend that the UK Government should introduce a presumption against short custodial sentences. The Government should carry out an assessment of the potential impacts that such a policy might have, including on the prison population, both the male and female estate, and the allocation of cases to different courts (Paragraph 140).**

We welcome the Committee's support for sentencing reform and the recommendation to restrict the use of short custodial sentences. There is a strong case to abolish sentences of six months or less, with some exceptions. We are currently exploring options, including looking at the approach taken in Scotland and whether we can go further than this. This involves an assessment of potential impacts.

**If short custodial sentences continue to be used, within 12 months the Government should consider repealing Section 2 of the Offender Rehabilitation Act 2014. Before repealing the Section 2 provisions the Ministry should assess what policy or legislative measures should replace those provisions. (Paragraph 145)**

The Government is of the view that Post-Sentence Supervision under Section 2 of the Offender Rehabilitation Act should remain in place. This has led to the supervision of 40,000 additional offenders being released from short custodial sentences, and is a positive change for public safety. However, we are continuing to consider ways of improving post-sentence supervision, in order to clarify expectations for its delivery and ensure a focus on rehabilitation. We will also need to consider how proposals to reduce the use of short custodial sentences would impact on post-release supervision.

**We recommend that the Ministry of Justice should review the purpose of Through the Gate and the support that it provides offenders. As part of this review the Ministry should consider introducing a prisoner discharge pack, based on need, and minimum expectations on resettlement services offered and how offenders' knowledge of accessing Government services through digital portals can be improved. Real consideration should be given to whether it is appropriate to release prisoners with few family ties, from custody on a Friday, when access to Government services can be difficult. (Paragraph 152).**

As part of our future arrangements set out above we are reviewing the purpose and focus of resettlement activity and looking at enhancing the role and pre-release planning time of the community responsible officer as well as providing greater clarity on service delivery in prison and from the community. We recognise that effective probation is dependent on offenders' access to wider services, such as housing, universal credit and substance misuse treatment. We are working with other government departments on these issues, including through the cross-Whitehall Reducing Reoffending Board to facilitate this.

With regard to release on a Friday, automatic release points for custodial sentences are set in legislation. Where the release date falls on a weekend or Bank Holiday, the Criminal Justice Act 1961 requires the release date to be brought forward to the first preceding working day, i.e. Friday. Delaying when the prisoner is released to the next working day,



i.e. Monday, would mean holding the person unlawfully. To amend the release arrangements, we would need to change primary legislation and we have no evidence to suggest that those released on Fridays are more likely to reoffend than those released on any other working day.

We are currently considering responses to a recent consultation on the policy which highlighted the potential for Release on Temporary Licence (ROTL) to be used on a case by case basis to allow offenders with Friday release dates to access services and support before the weekend, where this has been identified as key by their community offender manager.

We have, however, recognised the need for immediate action to improve Through the Gate services to prisoners. Contract changes agreed with CRCs in 2018 included an enhanced Through the Gate service to increase the current level of service from April 2019, and this includes minimum expectations for resettlement services for prisoners. This is supported by £22m per annum of additional investment (for the remaining lifetime of the existing CRC contracts), and applies to all prisoners being released from resettlement prisons. Almost 500 new staff have now been employed in the 86 resettlement prisons to provide this enhanced service. Provision of the new specification will also be available to those being discharged from non-resettlement prisons through NPS commissioning via the CRC Rate Cards which have been updated to include the enhanced TTG service and improvements have been made to the pay mechanism for this.

**We recommend that offenders should begin receiving pre-release resettlement activity no later than 12 weeks prior to release. When an offender requires pre-release support before the 12-week pre-release point that should be provided and CRCs should be appropriately remunerated. (Paragraph 156).**

We recognise that resettlement needs to be fully integrated into the offender management system, with prisons and probation working together to help offenders transition successfully to life in the community. As we develop our future approach to resettlement, we are looking to extend pre-release support beyond 12 weeks for offenders being released from prison.

**The Ministry of Justice should set out its minimum expectations to providers on the balance between remote and face-to-face supervision, and on the location of meetings between an offender and their Probation Officer (Paragraph 161).**

We accept this recommendation. We recognise the concerns that remote supervision should not be used as the only means by which an offender is supervised, and that the physical environment in which offenders are seen must be conducive to fostering open and honest engagement and maintaining confidentiality.

We have already taken steps to change existing CRC contracts to introduce a minimum requirement for providers to offer monthly face-to-face contact with the responsible officer for the first 12 months of an offender's order or licence. This will ensure that offenders are more closely supervised and provide a stronger basis to identify and enforce any breach of sentence.

In future arrangements, we intend to specify through national standards the minimum frequency and form of offender contact. This will include a requirement for a minimum of

monthly face to face contact for all offenders, with those posing a higher risk requiring a greater level of contact. Face to face contact will be required to take place where there is an appropriate level of privacy. Telephone contact will be permitted to support, but not replace, face to face contact.

**The Ministry of Justice should introduce national guidance on best practice relating to changes to an individual's Probation Officer and case manager (Paragraph 164).**

We agree that to enable positive relationships to develop, wherever possible the same responsible officer should supervise an offender throughout their sentence. Evidence identifies the relationship between the responsible officer and the offender as key to desistance. As set out in the probation consultation response, we believe that bringing together offender management under one organisation will promote continuity of the responsible officer and enable effective monitoring of changes of responsible officer through the collection of management information.

The National Standards for the Management of Offenders will be revised for future delivery of probation services and will be supported by practice guidance to drive up quality of delivery. This will include the importance of continuity and effective management of case transfer.

**When the Ministry of Justice responds to our Report it should have undertaken a review of output 3 of service element 6 of its guidance on unpaid work orders. It should set out in response to this Report any changes it will implement. (Paragraph 169)**

We are seeking to reduce stand downs on Unpaid Work through a number of measures. This includes changing the performance metric to a completion date of 12 months, to drive prompt delivery of unpaid work hours and holding providers to account through management information regarding rate of stand downs. We intend to specify in future contracts an appropriate number of placements to avoid the need to stand down offenders.

Where it is necessary to stand down offenders, we have reviewed output 3 service element 6 and will change the specification to credit hours which reflect the individual circumstances of the offender, taking into account travel time and employment impact, with an hour being the minimum credit.

**We recommend that, where possible, unpaid work should contribute to the local community and be linked to education and training (Paragraph 172).**

Unpaid Work provides the opportunity to engage offenders in learning in a practical setting and 20% of the hours can be used to undertake employment related training, which is currently being underutilised.

We are taking action to improve current delivery of unpaid work and will shortly issue guidance to providers to promote the appropriate use of the 20% education and training allowance which has been incorporated into revised Community Payback Practice Guidance.

Future contracts will ensure that providers of Unpaid Work source sufficient group and individual placements to allow offenders to complete their requirement within their local community, where appropriate. The contract will require active engagement with local stakeholders and liaison with communities to source local placements. Providers will be required to source placements which can develop personal and practical employment related skills for service users with education, training and employment related needs.

It is intended that in future contracts all offenders will be assessed for employment, education and training needs and the 20% allowance will be maximised to address these needs. The allowance for education and training activity has been extended to employed services users with an identified employment need and includes preparatory and motivational work. There will be additional flexibility at the start of Intensive Unpaid Work orders, based on need, so that an offender can build up to the minimum of 28 hours per week.

**We recommend that the Government should amend the Homelessness Code of Guidance for Local Authorities, to make it explicit that an individual who is homeless because of having served a custodial sentence should be deemed vulnerable for the purposes of the Homelessness Reduction Act 2017. We further recommend that the UK Government should work with the Welsh Government to ensure that their homelessness legislation takes due account of the risks of reoffending. (Paragraph 182).**

Homelessness legislation already provides that a person who is vulnerable as a result of having served a custodial sentence has priority need for accommodation, and the statutory Homelessness Code of Guidance reflects the legislation as amended by the Homelessness Reduction Act (HRA) 2018. The HRA significantly amended homelessness legislation to strengthen duties to all eligible applicants, irrespective of priority need or intentional homelessness, and in this context we have no plans to amend the priority need categories at this time.

The guidance issued in 2018 now includes a dedicated chapter focussing on supporting those with a history of offending into suitable accommodation. Contained within that new chapter is: 'A person who is vulnerable as a result of having served a custodial sentence, been committed for contempt of court or remanded in custody, has a priority need for accommodation'. As part of the planned review of the HRA, the effectiveness of the guidance in supporting those with priority, including those with a history of offending, will be assessed.

Local authorities now have a duty to take reasonable steps to prevent or relieve homelessness, including to people with a history of offending. From 1 October 2018, prison and probation services have a duty to refer any user of their service who they consider to be homeless or threatened with homelessness within 56 days to a local authority of the person's choice. The duty to refer will encourage local housing authorities and other public authorities to build stronger partnerships focussed on early help and intervention and to build more integrated pathways and services. The duty will help ensure that people who face the threat of homelessness are identified earlier and provided with help to prevent them from becoming homeless.

As part of the implementation of the Government's Rough Sleeping Strategy, the Ministry of Housing, Communities and Local Government is working with colleagues in the Ministry of Justice to pilot a scheme to support individuals released from three prisons, who are at risk of becoming homeless or sleeping rough. The contracts for these three pilots will be awarded at the end of April and will operate over a three year period. The pilots will test a new partnership approach with prisons, Probation Providers and Local Authorities working together, to plan, secure and sustain accommodation for offenders on their release.

The Government has committed to review the implementation of the HRA within two years which will provide a forum to consider a range of issues such as these.

Although the Housing (Wales) Act removed the priority status of prison leavers in Wales, it also introduced an Accommodation Pathway for people leaving the custodial estate to respond to concerns that this change might cause. HMPPS was, and continues to be, fully involved in the development of the pathway to ensure it meets the needs of offenders leaving custody and provides for a successful transfer to the community.

**We recommend that the Ministry of Justice should work with the Department for Work and Pensions to enable offenders serving custodial sentences to apply for Universal Credit (UC) prior to their release from custody so that they receive UC on the day of release. As an interim measure, and until offenders can receive UC upon release, the Government should set up a transitional credit fund for those offenders who have insufficient funds to provide for the basics, such as travel, a roof over their heads and food, in recognition that £46 is wholly inadequate to cover these. (Paragraph 187).**

We agree that offenders should have prompt access to the benefits to which they are entitled on the day of release. We are working with the Department for Work and Pensions to improve the process to access Universal Credit, help offenders pre-populate their claim in custody and to ensure that they have the relevant identification documents. Offenders are able to access a DWP Work Coach prior to release who can make an appointment as early as the day of release to complete their claim, and can receive an advance of a full month's benefit, including the housing element where appropriate, within hours.

The purpose of the Discharge Grant is not to provide for all the prisoner's needs after release. It is intended solely to assist them in the first few days after release and before they might reasonably be able to get a job or an appointment at a jobcentre and/or begin to access state benefits. We have recently concluded our review of the current use of the Discharge Grant and Discretionary Accommodation Payment. We are currently analysing our findings.

In addition, existing policy provides for an amount of up to £50 (in addition to the discharge grant) to be provided directly to an accommodation provider to enable an offender to secure accommodation, at the Governor's discretion. Every discharged offender, regardless of whether they receive a discharge grant, is also issued with a travel warrant, or payment of fares where a warrant is inappropriate, to their destination. Offenders are also discharged with any prison earnings/private cash.

**The Government should consider how offenders who are being released to an unknown or non-fixed address can be supported in having access to a bank account, so that an absence of such an account does not prohibit the offenders from getting a job, claiming benefits or securing a place to live. (Paragraph 190).**

Action is already underway to improve offenders' access to bank accounts on release from custody. The Offender Banking Programme enables prisons which release significant numbers of offenders to develop a relationship with a commercial bank. This allows offenders to open a basic bank account in the last six months of their sentence. In 2017, 6,500 accounts were opened under this scheme – a record number. In April this year a new CRC specification has come into force to make clear the expectation that the CRC is responsible for arranging for prisoners to get a Bank Account.

HMPPS also continues to work with UK Finance to look at other potential forms of identification which can be used by offenders who are released without accounts and we are working with HMT to encourage the challenger banks to join the programme to provide more capacity including in the Youth Estate.

## The Long-Term Delivery of Probation Services

**We recommend 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, including how performance under the TR system might compare to an alternative system for delivering probation. The Government should publish its review, in full, by 1 February 2019. Given the issues which have arisen due to the speedy implementation of the TR reforms and lack of piloting, any new model must be thoroughly planned and tested. (Paragraph 200).**

We have taken the time to think about what worked well, as well as what didn't, under the Transforming Rehabilitation reforms. Further, the public consultation on the future of probation generated feedback on every aspect of the current system. We have reflected carefully on this feedback to ensure that future arrangements benefit from the expertise and experience of providers, service users, voluntary organisations, sentencers, probation staff and other partners.

We want to build on the positive changes introduced by Transforming Rehabilitation, while accepting there have been challenges resulting from the complexities of contractualising offender management and splitting functions between the NPS and CRCs. In our future approach, we intend that the NPS will have responsibility for all offender management services - for low, medium and high-risk offenders. Private and not-for-profit organisations have demonstrated their strength in delivering interventions and driving innovation. We will retain and build on this success by sourcing key services, such as Unpaid Work, Accredited Programmes, and other resettlement and rehabilitative interventions from the private and not-for-profit markets. We intend to do this through competitions for suppliers for Unpaid Work and Accredited Programmes, and through creation of a dynamic framework for resettlement and rehabilitative interventions.

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 Unpaid Work and Accredited Programmes and the dynamic framework.

We aim to complete the reintegration of offender management under the NPS in Wales before the end of 2019, and in England around spring 2021. We will seek to apply any lessons learnt from transition in Wales, where probation services are already co-terminous, when transitioning services in England.





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