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Response to Punishment and Reform: Effective Probation Services

Executive Summary

June 2012

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Nacro's response to *Punishment and Reform: Effective probation services*

Nacro's response to this consultation on competition for probation services is centred on how best to reduce reoffending with large cohorts of offenders over large geographical areas. Evidence clearly indicates that when it comes to reducing reoffending, the criminal justice system is failing and it is time to rethink the delivery of probation services, including what is delivered, how it is delivered and who delivers it. Only through systemic change can we ensure that probation services are as effective, efficient and consistent as they can be, enabling them to have the maximum possible impact on reducing crime and making communities safer.

Nacro's response highlights the fact that effective reforms must focus on the following areas:

1. Clear and sustained outcomes. This includes taking account of all the things that need to be done in combination to change offenders' attitudes and their behaviour, and looking beyond simple binary measures of reductions in reoffending.
2. Accessibility and scale. It is important that future commissioning gives due regard to large-scale provision of offender-related services, as opposed to relying on relatively small-scale pilots so that lessons are learned about the impact of large-volume outsourcing on reducing reoffending.
3. Building a local approach. Effective probation services must have a clear emphasis on locality, where outsourced budgets are pooled to tackle intractable social problems which affect the whole locality eg, crime and reoffending. In this way more than one social outcome could be tackled and the financial and social benefits captured and shared.
4. Effective delivery and impact. The need to shift the debate away from *who* delivers offender services, and to focus on *what* is being achieved. To do this, we need a better understanding of the unique qualities each of the sectors brings and how more can be achieved in reducing reoffending by cross-sector collaboration. This starts from the premise that the different sectors each have something unique to offer to the 'rehabilitation revolution' and that any reforms should knit these together.

There are four key areas of the consultation paper which raise particular concern for Nacro.

Firstly, the concept of a purchaser/provider split within probation trusts as outlined in the consultation paper is inherently problematic, especially where probation trusts have a dual role as both the commissioner and provider of services. To drive forward competition and create the necessary impetus to involve external providers, probation trusts must have a distinct commissioning focus. Any public sector provider role would need to function as a separate entity from that of the commissioning body in any purchaser/provider split.

Secondly, to make arbitrary demarcations around who delivers services to different cohorts of offenders, based on risk, is overly complicated. The stipulation that private and voluntary sector providers cannot work with some groups of offenders presents a number of practical problems given the tendency for offenders to zigzag across categories over time. Even where offender risk assessments have taken place, the results are not constant and subject to change. Private and voluntary sectors already work with high-risk and sex offenders, both in custody and in the community. Given the right governance arrangements, there is no

reason why this experience and expertise should not be brought to bear on more serious cohorts of offenders. Equally, it is inappropriate to exclude these cohorts from the competitive tendering process. By definition, the highest risk offenders require the greatest multiplicity of interventions. It is therefore not unreasonable to assume that it is with this cohort that the largest gains could be made by greater use of competition to increase scope for innovation and to widen the pool of expert providers.

Thirdly, the consultation paper outlines a number of services that should remain under the control of the public sector. With proper protocols and effective commissioning, contracted providers could be made responsible for assessing risk, determining levels of offender management, participating in supervision and management decisions about MAPPA cases, and resolving breaches and recalls. Providers could be held responsible and accountable by the commissioning probation trust and subject to scrutiny by Her Majesty's Inspectorate, which would ensure fair standards were suitably monitored and upheld.

Finally, Nacro has highlighted in its consultation response that for the voluntary sector to have a full and active role in commissioning structures, the government will need to ensure that the pace of change is increased and that cross-sector collaboration is positively facilitated and rewarded. Many charities have spent considerable time and resources gearing up for the demands of a competitive market predicated on payment by results. Without the potential for scalable opportunities in service delivery, they will be unable to maintain this work and to participate in the future.