



We change lives

Nacro's response to Strengthening Probation, Building Confidence

21 September 2018

About Nacro

We are a national social justice charity with more than 50 years' experience of changing lives, building stronger communities and reducing crime. We house, we educate, we support, we advise, and we speak out for and with disadvantaged young people and adults. We are passionate about changing lives. We never give up.

Nacro is a strategic partner to Sodexo in the Transforming Rehabilitation (TR) programme, and we are a service delivery partner within the supply chain of four Community Rehabilitation Companies (CRCs): we are a delivery partner for Sodexo in BeNCH, Essex and South Yorkshire; and for Seetec in Kent. In addition, we support people who are supervised by CRCs or the National Probation Service (NPS) through other programmes in London, Durham Tees Valley, Northumbria, Staffordshire and West Midlands, and Cheshire and Greater Manchester. For instance, we run an enhanced through-the-gate service for people with mental health concerns leaving HMP Belmarsh, HMP Thameside and HMP Isis, funded by The Oxleas National Health Service Trust.

Our response to this consultation is based on the experiences of our practitioners and staff, as well as consultation with people with first-hand experience of probation services and the criminal justice system. We have also used research findings from Beyond Youth Custody, a 6 year learning and awareness programme led by Nacro exploring effective resettlement for young people leaving custody. We believe the findings of this research are applicable and transferable to the adult estate and have referenced this throughout.

Please contact Caroline Drummond, Policy and Public Affairs Manager, for more information on our response: caroline.drummond@nacro.org.uk or 0207 902 5442.

Key points

- The voluntary sector have the expertise and experience to deliver direct, specialist work with individuals and need to be guaranteed to take more of a leading role in this.
- Ensuring providers and the voluntary sector are able to deliver quality outcomes should be central to any commissioning structure
- Consistent, ongoing work at every level with other government departments, including the Department of Work and Pensions and Ministry of Housing Communities and Local Government is critical to unblocking some of the major barriers to effective resettlement
- Access and service provision must be based on need and ongoing review of need.

1. What steps could we take to improve the continuity of supervision throughout an offender's sentence?

The current criminal justice landscape has had a significant impact upon the quality and frequency of supervision throughout a sentence. A rising prison population (until recently, but which is still expected to increase further), an increase in the use of short custodial sentences and stretched prison and probation resources are just some of the factors that have left the current quality of supervision inadequate to support people to stop reoffending and move forward with their lives. As is widely referenced, TR has not delivered what it set out to do.

As referenced in the consultation document (para 23) constructive and positive relationships between probation staff and the people they work with are critical foundations to engagement with resettlement which requires a continuity of care. One of the key themes from Beyond Youth Custody partnership programme was the importance of having a consistent, trusting relationship between practitioners and the young people they worked with.¹ Central to this, the practitioner guides a shift in the individual, from a pro offending identity to a pro social one, identifying future goals and supporting them towards these. For some of the young custody leavers we spoke to throughout the programme, this was the difference between engagement with resettlement planning and activity, and not. A churn of staff and lack of consistency significantly impacts upon relationships and engagement with resettlement activities.

We believe this desistance theory is directly applicable and should be central to probation supervision. Responsible Officers in CRCs and Offender Managers in the National Probation Service (NPS) (from here, referred to collectively as Supervising Officers) should provide this support and guide in identity shift, working with the individual to identify goals and facilitate the pathways to get there, enabling a positive and sustainable future away from reoffending. A comprehensive assessment of resettlement needs should not just be based on tick boxes of structural outcomes but also provide the foundations for this support in identity shift. We believe that resettlement activities need to start at the earliest possible point, however currently this usually only happens in the last 12 weeks of a sentence, leaving little time to stabilise and support the individual. The management of a sentence should be seamless and centred on preparation for a successful release into the community.

The Nacro service users we spoke to as part of this consultation process highlighted the importance of consistency and the direct correlation between having a consistent, trusting relationship and engagement with supervision. Ensuring those being supervised understand the purpose of supervision is also key to engagement. The Clinks report 'Under represented, under pressure, under resourced, the voluntary sector in TR' references service user perceptions of CRC resettlement support being all about assessments and not face to face time.² Creating structures that reduce duplicate assessments so that the individual does not have to repeat information and circumstances to multiple agencies will help to aid engagement and make the true and meaningful purpose of supervision clearer.

The current split of NPS and CRCs has created a probation service which does not promote continuity of supervision, with NPS creating pre sentence reports and supervising high risk offenders, and CRCs then supervising low and medium risk offenders in custody and in the community. Currently, the split between these categories of risk can be problematic, as in dealing with complex and often chaotic individuals,

¹ Hazel, N., Goodfellow, P., Liddle, M., Bateman, T., and Pitts, J (2017) *Now all I care about is my future: Framework for the effective resettlement of young people leaving custody*. London: Beyond Youth Custody, p. 11-13. Available at: <http://www.beyondyouthcustody.net/wp-content/uploads/Now-all-I-care-about-is-my-future-Supporting-the-shift-a-summary.pdf>. Where Beyond Youth Custody is referenced throughout this response, publications from the programme can be found here: <http://www.beyondyouthcustody.net/resources/publications/categories/all/>

² Clinks (2018) 'Under represented, under pressure, under resourced, the voluntary sector in TR' p.24 https://www.clinks.org/sites/default/files/basic/files-downloads/clinks_track-tr_under_final-web.pdf

levels of risk can change very quickly. The processes of moving somebody between the CRC and NPS needs to be smooth and properly coordinated, with comprehensive information sharing and consistency of supervision - we know that this has not always happened.

We recommend that new structures of probation services should consider how they will enable continuity of supervision from pre-sentence stage to supervision and enable timely and effective information sharing between agencies. A single HMPPS lead in each of the regions should go some way to ensuring more join up and continuity between split agencies, if this model is maintained.

We also agree that one Supervising Officer should supervise someone throughout their sentence, to enable a trusted and consistent relationship to form. Additionally, a designated deputy could be appointed in each team to cover illnesses, staff annual leave and turnover.

2. 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? Do you have evidence to support your views?

As referenced in the consultation document (para 26) there is little evidence to show what the optimal form or frequency of contact is. An individualised response to supervision is critical – we know that for some people, support is very much necessary, particularly in the initial stages of supervision periods. Placing people in prisons near their home could facilitate face to face contact with their Supervising Officer on an earlier and more consistent basis. This greater ease of contact, for those in prison before their release is an important part of assessing need and frequency of future contact.

However, for some, supervision only needs to be light touch. We believe that the Supervising Officer should have discretion to balance the needs of the individual and the risk posed, to determine frequency and method of contact. Discretion should also be exercised throughout the supervision period as changes might need to be made, taking into account the individual's circumstances. A flexible approach which can adapt to facilitate the highest chance of engagement with resettlement activities is crucial.

Imposing blanket minimum national standards around frequency of contact can arguably detract from an individualised approach and undermine professional judgement, as well as risk a race to achieve and adhere only to this standard. A balance needs to be struck to ensure that ongoing risk and needs assessments can be made to ensure that individual is getting the support they need.

Additionally, we believe the current technology and methods of communication, for example sending letters, need to be modernised. As part of our service user feedback, we heard that last minute changes to appointments being sent by letters can mean missing appointments and the use of text messaging and emailing being a much more effective way to communicate. We also heard from people that were self employed that long travel to face to face supervision caused disruption to their work and income, a critical factor in resettlement. The use of Skype or similar activity could be a far more effective way to facilitate supervision where distances are involved. Where appointments are missed, this can sometimes be due to last minute changes not being communicated properly or other reasons that should not lead to an automatic breach.

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

Where unpaid work schemes currently sit as a 'punishment activity' under sentencing guidelines on a Community Order, we believe that the days required to be taken under these schemes should be firmly focused on rehabilitation and include opportunities to develop workplace skills, relevant to the individual's needs. For those who have pathway needs, including employability skills, this is an opportunity to develop these and secure an employment pathway. There are many examples of good practice in this area, incorporating skills linked to the local labour market. Providing individuals with skills that will enable them to find local employment is critical in making unpaid work meaningful and a critical part of long term desistance. We would recommend that learning from good practice examples should be reviewed and used to form key principles of unpaid work schemes going forward.

Further, placing a focus on the reparation aspect of unpaid work can often underline a negative identity of offending, which we know can hinder the shift in identity. Using unpaid work schemes to gain skills and build confidence is crucial to promoting long term desistance from offending.

4. What changes should we make to post-sentence supervision arrangements to make them more proportionate and improve rehabilitative outcomes? (You may wish to refer to your answer to question 2.)

The main focus of post-sentence supervision should be about supporting the individual to reach longer term goals and support a shift in identity, away from offending and towards effective and sustainable resettlement. Adequate time needs to be in place to assess these pathways at the beginning and throughout a sentence to establish detailed resettlement plans. However, resettlement outcomes for people leaving custody have been severely impacted upon by a lack of access to crucial services such as housing and mental health. Government figures suggest around a third of people leave custody without accommodation to go to.³ Nacro have consistently argued that it is necessary to have a cross-governmental approach to this as responsibilities for many of the crucial elements of resettlement and rehabilitation sit with other government departments and we welcome the reference to a cross-ministerial Reducing Reoffending group (please see our answer to q.9 for more on this).

We welcome the acknowledgement that the huge rise in people being recalled to custody has been due to the compulsory 12 month supervision. This compulsory supervision is not necessarily the most effective approach or best use of resources, particularly where this will set people up to fail - recalling people back to custody for issues around compliance, such as missing appointments, is disproportionate. Recall should be reserved for when the risk of serious harm or re-offending has increased to an unacceptable level. We would support removing the compulsory supervision element and recommend that supervision is based on a case by case assessment, with discretion to allow for what is most conducive to that person resettling as well as a risk assessment, with positive and practical support at the centre. In its recent report, the Justice Select Committee made a number of recommendations on this and we support the assessment based approach they put forward.⁴ This will ensure an individualised and flexible approach.

³ <https://www.gov.uk/government/speeches/delivering-safer-and-more-secure-prisons-the-roots-to-rehabilitation>

⁴ Justice Committee (2018) Transforming Rehabilitation Inquiry
https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/482/48208.htm#_idTextAnchor096 para 144

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

We believe there are a number of steps that could be taken to improve the effectiveness of pre-sentence advice. We agree with the reference in the consultation document (para 39) to understanding someone's circumstances to being crucial to ensuring the court can impose the most effective sentence. For example, effective community sentences that incorporate treatment orders (mental health, drug rehabilitation requirements (DRR), alcohol treatment requirements (ATR) and alcohol abstinence and monitoring requirements) will often be more effective and appropriate than a short custodial sentence. Reconviction rates for those undergoing community-based alcohol and drug treatment are reduced,⁵ suggesting that these are effective and should be used more frequently. We also know that those serving short custodial sentences of 12 months or less have higher reconviction rates than similar offenders serving a community sentence.⁶

However, we have often heard that the lack of confidence in community sentences is due to the fact that courts do not know which services are available in the area. More effective pre-sentence advice should encourage use of these treatment orders more widely, as well as the recent initiative introduced by the Ministry of Justice (MOJ) to increase the use of them.⁷ Improving pre-sentence advice and using effective community sentences should help to reduce the use of short custodial sentences and the revolving door in and out of prison that these can cause.

A comprehensive pre-sentence report will mean that informed decisions can be made by the judiciary. This should include sections to highlight issues around employment and housing, alongside other relevant information which should inform an appropriate sentence – balancing culpability and harm present in the offence with risk alongside resettlement needs and pathways.

Whilst steps have been taken to improve the quality of advice being given by the NPS through the Effective Proposal Tool, we believe there is a role for CRCs or equivalent bodies, to present in courts and provide detailed, localised information around what services exist for low and medium risk offenders. There needs to be a more individualised approach used by probation services and sentencers relating to resettlement plans, to ensure the highest chance of engagement. For example, a short custodial sentence is often not the most effective sentence to aid effective rehabilitation and resettlement, particularly where this disrupts employment, family ties, housing etc. As stated in the consultation document, engagement between courts and CRCs needs to be strengthened. The responsibility lies with the NPS to deliver advice to court but we believe that this should be heavily supported and informed by the provision of information by CRCs related to the availability and effectiveness of options in each case.

6. What steps could we take to improve engagement between courts and CRCs?

We welcome the reinstated National Sentencer and Probation Forum as a way for agencies to share information and discuss challenges more broadly, however this does not go far enough to ensure that more direct and bespoke advice is provided on specific cases. The model referenced in the document (a co-located dedicated worker with the NPS team informing pre-sentence reports with bespoke information on services available from the CRC) in ARCC in Durham Tees Valley is a model we would endorse.

⁵ Ministry of Justice (2017) 'The Impact of community-based drug and alcohol treatment on re-offending, London: Ministry of Justice and Public Health England' https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674858/PHE-MOJ-experimental-MOJ-publication-version.pdf

⁶ Ibid.

⁷ <https://www.gov.uk/government/news/vulnerable-offenders-steered-towards-treatment>

The HMI Probation Thematic Review of Probation Work in Courts highlights the range of sentence liaison activity. In some areas, traditional Probation Liaison Committees had been kept, as well as in two other areas where Local Criminal Justice Board working groups were in place. The report notes that 'where formal probation liaison or business meetings endured and the CRC was represented at a local level, there was a sense of gradual improvement in the flow of information to sentencers.'⁸ The report goes on to support the point that currently there is not enough information about what kind of services are provided by CRCs and that this undermined sentence confidence.⁹

As stated above, we believe that enabling CRC officers to be present in courts would significantly improve engagement and information on services available. Additionally, CRC staff could also provide information on availability, waiting lists for programmes and on participation and completion rates to help the court determine the most appropriate, suitable and proportionate sentence or disposal. Alternatively, finding methods for sentencers to have up to date information at their fingertips on what is available would go some way to improving the take up of local, effective community services. This could be facilitated through technology such as tablets.

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

A suite of longitudinal performance measures in which to evidence the effectiveness of community sentences would provide the magistracy and judiciary, as well as public, with grounded evidence of what works. Ongoing, robust and trusted analysis and review is critical to increasing confidence.

Engaging the judiciary directly with seeing where community sentences have worked would also be beneficial. Often, they will only hear about where community sentences haven't worked and a more accurate picture of volumes and completions should be provided as well as individual examples. This will ensure more confidence and a more rounded picture of the use and effectiveness of community sentences.

We would also recommend the MOJ and HMCTS collaborate to look at how training and awareness for magistrates and the judiciary can better embed information around probation structures and services. Lack of confidence in community sentences should be addressed by all agencies involved, including the MOJ, HMCTS and the Sentencing Council. We would recommend that the MOJ take the lead on this.

8. 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?

Rehabilitation Activity Requirements

Where Rehabilitation Activity Requirements (RAR) were intended to give flexibility to probation providers to choose the rehabilitative work for people to do, we have seen examples of where they were not utilised in the way they were meant to be. We heard of examples in one area where individuals were being sent to tenancy courses where they didn't need to and where these hours were not being filled. HMI Probation reports have shown that where the average number of activity days required is 28, on

⁸HMI Probation (2017) The work of probation services in courts: An inspection by HM Inspectorate of Probation June 2017, section 2.2 <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2017/06/The-work-of-probation-services-in-courts-report.pdf>

⁹ Ibid.

average only 6 of these have been completed after 9 months.¹⁰ We also know that the take up rate of CRC provided services is low.

The consultation document references the need to define more clearly the services that can be delivered as part of a RAR and to explore the use of output and outcome measures of interventions. We welcome the approach to measuring the effectiveness of what does and doesn't work, but would recommend that outcome measures are designed in a way that shows progress travelled and not static tick box or 'binary' outcomes.

Meeting the needs of vulnerable cohorts

We welcome the identification of specific vulnerable cohorts in the consultation document that often require specialist probation services. Beyond Youth Custody research highlighted the importance of recognising diversity and how this should shape resettlement, where practitioners need to tailor resettlement interventions to individual need.¹¹ Voluntary sector providers have the knowledge, experience and expertise to deliver these high quality interventions and services for vulnerable cohorts and any new commissioning structures need to ensure that providers can deliver and maintain quality outcomes. Sustainable funding structures therefore need to be in place to ensure these can be accessed.

Previous guidance produced by NOMS (now HMPPS) to assist with CRC provision of effective services to those in vulnerable cohorts could be used as a basis for development and expansion, incorporating up to date information on what has worked in recent projects or areas.

Accessing services linked to needs

The new suggested 10 probation areas vary in size, with some spanning vast geographies and varieties of rural and urban areas. We know that the needs of individuals can shift over time, so structures will need to allow for services to evolve to meet need. A Dynamic Purchasing System could be used, for example, to allow for a high number of specific services to be accessed. We would also recommend a mechanism which could provide an ongoing review of service need, to involve all stakeholders including CRCs, NPS, voluntary sector providers and those using the services. We would suggest that an HMPPS senior lead should be responsible for overseeing continual needs assessments, coordinating the relevant agencies.

Co-design

As referenced above, we believe that those individuals using interventions and services should play a key role in helping to inform what services are available based on need. The HMPPS senior lead in each area should play a key role in facilitating this ongoing assessment of need.

Women

We welcome the Female Offender Strategy and it's overall aim to reduce the number of women going into custody. We know that, on average, most women in the criminal justice system commit less serious offences and often require support to address complex needs to help stop reoffending. Taking a

¹⁰ HMI Probation (2017) The Implementation and Delivery of Rehabilitation Activity Requirements
<https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2017/02/The-Implementation-and-Delivery-of-Rehabilitation-Activity-Requirements-V4.pdf>

¹¹ Wright, S., McAteer, L., Francis, V. and Goodfellow, P. Recognising Diversity in Resettlement: a Practitioner's Guide:
<http://www.beyondyouthcustody.net/resources/publications/recognising-diversity-in-resettlement-a-practitioners-guide/>

completely new approach to this cohort is therefore welcome, avoiding the use of custodial sentences and ensuring ongoing, supported access to the right types of services.

Through our work in delivering the SWITCH project, helping women aged 16 and older with a range of health, social, financial, educational or housing needs to regain positive control of their lives, as well as providing supported housing, we understand the distinct needs of women that need different levels of support. Need for women specific services should be mapped, with service provision and delivery in direct response to this, on an ongoing basis. It is critical that funding for these services is sustainable and linked directly to need.

Black, Asian and other non-white minority ethnic

The Lammy Review made a number of recommendations and we are pleased to see that these will be incorporated into future services. As referenced above, we believe that the starting point for service provision should be mapping need, so the reference to looking at data more closely is welcome. The involvement of specialist and third sector providers is critical, as they are often the organisations that hold the expertise and experience of delivering services for the specific needs of those receiving rehabilitation and resettlement services. The MOJ should ensure that any commissioning structures facilitate the delivery of these services.

Young adults

Through our Beyond Youth Custody work and as a member of the Transition to Adulthood Alliance, we know the importance of a distinct approach is for young adults. A recent report that we published with Centrepoint, 'Have you got anybody you can stay with?' highlighted just one of the key barriers to effective resettlement - finding accommodation on release from custody. We know from our experiences that this group may require more support on release, and as above, need should be mapped to service provision, with commissioning structures to facilitate this.

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

We believe that the allocation of resources through the current CRCs and contracts have impacted upon the ability to deliver quality resettlement outcomes for those on any length of sentence. Those serving short custodial sentences may often have a number of underlying needs, such as homelessness or mental health issues, and it is critical that these are identified at the earliest possible opportunity. There is often not enough time to address these in custody, which can then lead to a revolving door of reoffending.

For those serving short custodial sentences, access to stable accommodation, welfare and identification is critical. Working with other government departments, including DWP and MHCLG, to review policies around accessing Universal Credit on release, is crucial.

Changes to the current contracts around enhancing these outcomes, due to start 01 April 2019, with mobilisation from January 2019 should go some way to ensure resettlement outcomes improve. However, we believe the early termination of current TR contracts, scheduled for some point during 2020, provides an opportunity to ensure that resettlement activities are appropriately funded, quality controlled and placed at the heart of probation provision.

Integrated resettlement

We believe that all resettlement planning and activity needs to be fully integrated across prison and probation systems. We support the introduction of Key Workers within the new OMiC model. We understand that the role of Supervising Officers is being piloted and may be subject to change. Our current understanding suggests that prison based offender managers will work with someone until they are released, whereby a community based Supervising Officer will then work with that individual in the community. The concern with this model is a lack of join up and seamless transition between prison based offender managers and community based Supervising Officers. We believe a more effective approach would be to allocate community based Supervising Officers to be involved at sentence stage, during sentence and all the way through the gate, and into the community. Not only would the structural elements of resettlement be secured more efficiently, through one single point of contact, but importantly, a relationship would be developed, supporting engagement and trust.

We support a reduction in the use of short sentences and the use of more effective community alternatives. However, where short sentences are still used, resettlement needs to be central to prevent the revolving door of reoffending, where release into the community presents a window of opportunity to focus on practical, social and welfare needs. The Beyond Youth Custody research clearly highlights the importance of a constructive, strengths based approach to resettlement support. This includes identifying obstacles and potential challenges and using personal resources, with support, to address these. Alongside this, there needs to be a focus on addressing vulnerabilities and risk issues that can lead to reoffending. Working with families, looking at life skills, finance, benefit and debt management are all critical pathways in reducing the risk of reoffending.

Even after a short time in custody, release to the community can be challenging and traumatic, particularly if employment, accommodation or relationships have been affected or lost as a consequence of incarceration. The use of Release on Temporary Licence will help to ease transitions into the community.

Cross-departmental approach to resettlement

As referenced in the consultation document (para 67) working across wider government departments is critical. Nacro have consistently argued for a cross-departmental approach to resettlement – there are significant barriers in finding accommodation, accessing benefits and critical health services. Without this provision, work done by probation services is limited. Working with MHCLG, DWP and others to improve access to these should be a priority for MOJ. We welcome the introduction of the Reducing Reoffending Board, and this approach needs to be embedded not just at Ministerial level, but replicated at lower and local levels. Many of the most crucial barriers to resettlement, such as access to accommodation, needs a robust response. The Homelessness Reduction Act will impose a new duty on prisons and probation to refer someone to the local housing authority, in order for them to provide support where that person is at risk of homelessness. We would urge the MOJ to work closely with MHCLG to review how this is working in practice.

Friday prison releases

Nacro recently produced a briefing outlining how Friday prison releases can impact upon someone's ability to access the critical services they need. In our experience, as well as that of the partners we work with, releasing someone on a Friday can mean a race against the clock, leaving some people without accommodation or crucial medication over the weekend. For those on short sentences, this may be

exacerbated by a lack of time in custody to do any resettlement planning. We are currently collecting evidence on this from sector partners and organisations.¹²

10. 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 offenders staff are working with?

The Beyond Youth Custody programme explored the relationship between young people and the resettlement practitioners working with them. The research found five key characteristics of working with young people that were central to effective resettlement outcomes. This includes practitioners being constructive, consistent and coordinated across services. The research also showed us that co-creating - with the young person and their family - individualised and person-centred resettlement plans was critical. This underpins the personal support that goes along side structural resettlement support, such as access to education, training or accommodation.¹³ We believe that these are equally applicable and transferrable to Supervising Officer roles in order to promote the shift in identity, towards desistance and ultimately stop reoffending.

Additionally, as part of our response to this consultation, we spoke to Nacro service users in custody to understand what, as those using probation services, they felt were the essential skills and competencies that Supervising Officers should have. They told us that relatability was the main feature they found most important. Being able to understand someone's circumstances, their starting point and vulnerabilities is also essential and staff having lived experience was an important competency/element of the role. We believe HMPPS could put more mechanisms in place to incentivise people to undertake probation roles where they have had experience of the criminal justice system. However, our experiences through the Nacro Resettlement Advice Service have highlighted how many employers are still reluctant to employ people with a criminal record. Nacro have consistently called for fundamental reform of the criminal records regime, through consultation with the sector, which would unblock some of the barriers for people with criminal records to access more employment opportunities.

Linking to question 8 on working with vulnerable cohorts, this should be taken into account when considering the skills and abilities needed for staff working with large groups of individuals, all of whom have specific starting points, vulnerabilities and needs.

11. 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?

We recognise that professionalisation could be a positive way to recruit and retain quality probation staff. From our experiences, we have seen a large churn of staff in the current supply chain which is not only costly but also damages the quality of the work that can be done.

Retaining staff is a critical element of success of services that work by establishing consistent and supportive relationships. A professional register could help professionalise, track and improve standards, help map-out clear career progression pathways for staff and show that the individual has gained experience, knowledge and awareness in particular areas or specialisms, for example.

¹² <https://www.nacro.org.uk/policy-and-research/end-Friday-releases/>

¹³ Hazel, N., Goodfellow, P., Liddle, M., Bateman, T., and Pitts, J (2017) Now all I care about is my future: Framework for the effective resettlement of young people leaving custody. London: Beyond Youth Custody, p. 11-13. Available at: <http://www.beyondyouthcustody.net/wp-content/uploads/Now-all-I-care-about-is-my-future-Supporting-the-shift-a-summary.pdf>.

In the youth justice sector, a Youth Justice foundation degree has been a positive step towards professionalisation, recognising the distinct skills of youth justice practitioners. The same approach could be applied to adult probation staff. On-going and accredited continuous professional development would also be an effective way of attracting and retaining a talented workforce, whilst also ensuring that staff had the right skills and knowledge to support the people they work with.

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

We support the alignment of NPC and CRC regions to a certain extent, however there are still more probation areas (10+ Wales) than current NPS regions (7). This will not, therefore, mean direct alignment, and therefore will be likely to cause some disruption in both the NPS and across CRCs. More clarity is needed over how these regions will align with courts, prison, PCC and CPS regions.

As referenced in our answer to question 8, the areas suggested are very large – and in some cases, will incorporate very different areas and needs for services. We therefore welcome that there will be one accountable HMPPS lead for each region. The role of this lead could involve being responsible for ensuring the right services are commissioned in each area, working with NPS, CRCs and other commissioners and being accountable to central government. It should also involve managing mechanisms for information sharing across agencies to ensure coordination and join up.¹⁴ We believe that a lot more work is required to align all of the department and agencies involved in the criminal justice system at local levels.

13. 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?

Any proposed structure needs to include a breadth of easily accessible local suppliers to ensure that all needs, such as substance misuse, mental health and ETE training, are met. There needs to be flexibility about how these services are procured – as referenced in the consultation document, the idea of the rate card, with CRCs creating local supply chains of providers, seemed attractive but did not work. We saw a low take up of services by the NPS and this mechanism clearly did not work the way it was intended.

Linking up local services such as housing, community mental health and substance misuse services is critical and the role of the HMPPS senior leader could be a way to ensure this happens effectively. However, given the new large proposed probation areas this will mean liaising with multiple Health and Wellbeing Boards and various other commissioning bodies. Creating a mechanism in which to keep all local partners involved in mapping service need on an ongoing basis is crucial.

One approach could be to have pots of personal funding that follows the individual in order to purchase services for specific needs, such as ETE training. This would enable an individualised, coordinated approach to resettlement, targeting specific needs. These could be configured to personal health budgets used by the NHS. This is an amount of money to support health and wellbeing needs, planned and agreed between the individual and the local NHS team. It is not new money, but is money spent differently to meet personal needs. We would recommend that this approach is considered to ensure people receive co-created, personalised resettlement planning and access to services.

¹⁴ We have referred to the HMPPS senior lead role throughout our response – we support the principle that there should be HMPPS accountability and coordination in each of the new suggested areas, however this should be carefully considered, as a single role would not be able to cover all of the suggested roles and duties required to ensure true accountability and coordination.

There are a number of voluntary sector providers that have experience of delivering services across the system and understand how the key parts of resettlement fit together, such as accommodation, ETE and support needed around finding these. For example, we are currently bidding, with Novus, to provide innovative approaches to delivering education in custody and linking to local employment opportunities, building on the work we already do in Medway Secure Training Centre. Working across strands of resettlement, including Through the Gate, supported housing and education in custody, means we fully understand the need for a seamless service to deliver these.

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

We know that voluntary sector providers often hold the core knowledge and experience of providing effective resettlement services and have the expertise to provide sustainable, positive outcomes for the people they work with. Earlier this year we wrote to the Minister around different suggested models, including Community Interest Companies, where by voluntary sector providers take more of a lead in delivery and work with other organisations to come together to deliver social change.

We firmly believe that voluntary sector providers should be central to discussions around new structures of probation, to ensure their services can be accessed and any barriers to this are removed. In our evidence submitted to the Justice Select Committee on their inquiry into TR, we stated the decision not to mandate supply chains should be reversed.¹⁵ With the right framework around it, this would ensure the voluntary sector can meaningfully provide its experience and expertise to engage underserved groups. CRC owners should generate the infrastructure to enable voluntary sector organisations to innovate and deliver cost effective solutions in resettlement work. A suggested model could be one in which the voluntary sector deliver the front line work and the primes focus purely on infrastructure.

Another approach to ensure voluntary sector providers are involved in co design and delivery would be a minimum of delivery spend (net of costs of IT/buildings) on voluntary sector providers. However, this would need to be carefully considered to ensure this was not done in a tokenistic fashion and was aligned to the specific needs of that probation area.

Publishing information on who is involved in CRC supply chains may also help to encourage voluntary sector involvement through transparency.

Practical barriers for example, the introduction of the bureaucratic Industry Standard Partnership Agreement (ISPA) blocked many small providers from being part of TR. This had a significant impact upon the types of specialist services that were available. These also need to be considered in the context of the larger frameworks of CRC ownership and supply chains.

There are a number of models that could be considered to facilitate access to a wide range of services needed. As referenced in the consultation document (para 99), a Dynamic Purchasing System model, similar to that being used in the Prison Education Framework model, could be considered as an effective way to provide access to specialised services, with mandation of voluntary sector services. Central to any supply chain model should be ensuring access for all sizes of voluntary sector providers, such as making contracts an appropriate length to ensure business sustainability. A mechanism of ongoing review around the types of services needed and accessed is also essential. A Dynamic Purchasing System model that did not create onerous or overly bureaucratic processes for providers could facilitate this.

¹⁵<http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Justice/Transforming%20Rehabilitation/written/73965.html>

Current engagement with the voluntary sector through the Reducing Reoffending Third Sector Advisory Group, on which Nacro sits, goes some way to provide high level engagement. However, we would argue that this should be replicated at local levels and part of the HMPPS senior lead role could include responsibility for this. Ongoing review of what is and is not working at a local level, including co-commissioning and regular needs assessments would ensure resettlement needs are met more efficiently and effectively through co design with service users and providers. Voluntary sector partners need to be central to these discussions.

15. How can we support greater engagement between PCCs and probation providers, including increased co-commissioning of services?

There are a number of pockets of good practice where PCCs already effectively co-commission and/or work with CRCs to deliver services. We currently deliver in Northamptonshire, where the PCC funds a rent deposit bond scheme for people leaving custody who need support. This is effective in alleviating one of the main barriers to accessing the private rented sector. However, these kinds of schemes do not consistently exist across all areas.

While some PCCs do a lot of work with CRCs already, some may require more incentive to do so. As elected officials they are voted in to work against their five year Police and Crime Plans, we would suggest that probation providers should be feeding into the creation of Police and Crime Plans at the earliest opportunity to ensure buy in and more chance of co-commissioning services on a larger scale. However, the five year cycle of these roles should be considered as this could mean less sustainable commissioning and funding.

We would also recommend that part of the role of the HMPPS senior lead would be to pull together all the strategies and plans of local criminal justice system agencies to identify key issues, priorities and joint working.

There is also a role for the MOJ to have continuous joint working with bodies such as the APCC to educate and raise awareness of the importance of join up between PCCs and probation providers.

16. 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?

Greater integration between prison and probation services is welcome, especially in areas such as consistency around information sharing and needs assessment. However, we would stress that these new delivery arrangements, and the provision of additional services on top of the direct NPS delivery, takes into account the significant differences of the area. Wales incorporates many economical and geographical differences.

From our own experience of working in Wales through our supported housing delivery, we know that provision will vary greatly depending on the area of the country. In rural and often isolated areas for example, links with local community-based supply chain partners are crucial. As we have stated previously, a one-size-fits-all approach cannot be applied to large areas that will have different needs and economic landscapes. An inclusive commissioning process, based on needs assessments of the various areas of the country will be critical to ensuring more specialised providers are not excluded. This model should showcase fundamental engagement with the voluntary sector. Similarly, join up with local commissioners across health, for example, is essential.

On going review of commissioning processes and access to services is crucial to ensure that resettlement needs are being met effectively. Additionally, we would recommend that learning from the Wales approach is reviewed in relation to how this model could work in England.

17. 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?

As stated in our answer to question 9, changes to the current contracts will focus on enhanced outcomes, which should help to show the importance of a more personalised, strengths based approach. As an organisation with knowledge and expertise in supporting people to move forward with their lives after custody, as well as our work in the community, we know that binary measures based on re-offending are not an effective way to measure sustainable resettlement outcomes.

Quality outcomes which provide the structural elements of resettlement such as housing, access to health services and employment, require more complex performance measures to show distance travelled. The cohort of individuals that probation and resettlement services work with often have complex need which can often involve episodes of relapse and setbacks. It is important not to underestimate that for many, the path to a positive, crime free future is not linear and takes time. Measures should include steps and progress towards change and desistance which may include programme completion, reduction in severity of offending and making progress with personal issues such as drug and alcohol misuse. Providing the right funding structures and investment to support quality services will drive sustainable outcomes.

Additionally, measurements based on volume and static outcomes means a lot of staff time in such services is spent on measuring these, detracting from time spent working with individuals. Performance measurements need to be as least onerous as possible whilst accurately evidencing the quality of work undertaken.