



# HM Prison & Probation Service

## Q&A for Community Rehabilitation Company staff

### What has been announced now and why?

The government has set out its plans for the future of probation. This follows careful consideration of the results of the consultation '**Strengthening Probation, Building Confidence**' held in summer 2018 which received over 450 written responses and captured the views of more than 1,000 delegates from over 39 events.

The key proposals are:

- a) The National Probation Service will have responsibility for all offender management
- b) The private and voluntary sector will still play a vital role providing interventions
- c) Support for the probation profession - to improve professional development and raise the status of the profession.

### When are you implementing these changes?

In England, we have put in place arrangements to allow us to extend CRC contracts to ensure we have the necessary time to get the transition to the new system right. We intend to use these arrangements to end contracts in Spring 2021. This will ensure a smooth transition, focussing on the seamless continuity of public protection and rehabilitation in the community.

We intend to integrate offender management in Wales on a quicker timescale, by the end of 2019.

We will now begin a period of further engagement with a broad range of stakeholders to refine the design of future services, and with staff to inform our planning for the transition to these timescales.

We will seek to launch competitive procurement processes later this year for the delivery of interventions such as Unpaid Work, Accredited Programmes and rehabilitative interventions.

We have set up a separate programme to take forward the delivery of the professional recognition proposals over the next couple of years.

### Why are the government not continuing with the Transforming Rehabilitation model?

Transforming Rehabilitation brought about some important changes that will be strengthened under this revised model.

TR opened up probation to a diverse range of providers and extended support and supervision to an additional 40,000 offenders leaving prison.

But we accept that there have been challenges resulting from the complexities of contractualising offender management and splitting functions between the NPS and CRCs. That is why we are making changes to allow each sector to play to its strengths.

**How will you protect staff and services during the transition?**

These changes are about improving probation services, and ensuring there are sufficient staff to deliver a good quality service. The majority of staff who responded to the consultation were supportive of this delivery model.

Maintaining business continuity during these changes is of paramount importance. We will continue to work closely with Trade Unions, CRCs and staff to support the transition to the future model and minimise disruption.

**Why are we implementing a professional register for staff?**

As well as the structural and contractual elements, the plan outlines the desire to make improvements to the services offenders receive in a number of areas, and to better recognise the skills, experience, and professionalism of our dedicated workforce. Therefore, we want to create further opportunities for professional development. We also want to ensure we can safeguard the quality of probation work by ensuring all staff are suitably trained and supported.

**Why did you decide to end CRC contracts early?**

We are ending contracts early in order to stabilise and improve the delivery of probation services. This is part of a package of measures agreed with current providers to ensure operational stability.

**Will current providers be permitted to bid for future contracts?**

Yes, current and other providers are permitted to bid for future contracts. We will award contracts to those best placed to carry them out.

As with any major procurement exercise, all bidders will be subject to a rigorous assessment of their financial health.

We are committed to ensuring that we deliver value for money for the taxpayer while improving the quality of probation provision.

**Will these changes level out pay disparities between CRCs and NPS?**

There are no plans for pay changes in the NPS to apply to CRCs.

In 2018, we reached agreement with Trade Unions (NAPO, Unison and GMB SCOOP) on pay modernisation for probation professionals within the National Probation Service. NPS staff are paid in accordance to grade.

Community Rehabilitation Companies are private Community Rehabilitation Companies are private employers and are responsible for setting their own pay for staff.

**Will staff be made redundant in CRCs?**

It is too early to confirm the impact on CRC staff.

The changes we have announced today are about strengthening probation services and supporting staff. Retaining the skills and knowledge of probation professionals within the system is a key priority

for the department. However, we are aware of skills gap within the service which we will be addressing in the near future.

We are in the process of gathering data on all those delivering services for or on behalf of CRCs to make sure we fully understand the roles and remits. This will inform our future planning.

**For existing CRC staff who may transfer into HMPPS, how will the selection process for this transfer take place?**

HMPPS will define the scope of the services it will deliver and which services will be competed or delivered by third parties in the future. Current employers will then use the scope to determine which of their staff are assigned to which services and produce an in-scope list.

We will need the support from CRCs as employers to understand the current roles of all staff in order to support concrete planning for staff transfers.

**What staff transfer methods will be used? Will I be protected by TUPE?**

Staff will be transferred by Staff Transfer Scheme(s) using the powers set out in the Offender Management Act 2007. Although, the transfer falls within the TUPE exemption, in the main, the provisions of the Staff Transfer Scheme will follow the approach of TUPE and will protect staff terms and conditions following transfer to the new employer.

**What about my pension?**

Most new staff compulsorily transferring into NPS will be eligible to join the Local Government Pension Scheme post transfer. The exception is those who retain eligibility to participate in the Civil Service Pension Scheme.

**When will staff transfer from the CRCs to the NPS?**

In England, we will now begin a period of further engagement with a broad range of stakeholders to finalise the design of future services, and with staff to inform our planning for the transition. We will provide more information on staff transition as and when it becomes available.

In Wales, we have been engaging with stakeholders and staff to inform our future service design and transition planning, and we are continuing to work towards integrating offender management by the end of 2019. Further information on staff transition will be shared as it becomes available.

**How much will all this cost? Will there be more funding for probation?**

We are determined to ensure probation has sufficient resource to deliver a good level of service and to support a reduction in reoffending and short prison sentences. This is subject the usual cross-Government approvals process and affordability considerations.

**Will you still outsource elements of probation?**

Yes. Private and not-for-profit organisations have demonstrated their strength in delivering interventions. 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 voluntary sector 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.

### **This isn't what you proposed in the consultation – why have you changed your mind?**

We have listened closely to feedback from the consultation, reflected on reports from HM Inspectorate of Probation and others, and tested the options with our partners and stakeholders to make sure we got this important decision right.

We have also taken account of the continuing challenges faced by CRCs and the need for future arrangements to deliver a more stable operating environment.

The proposals laid out in the consultation for Wales remain unchanged. On balance, we believe this new model for England – based on these arrangements we consulted on in Wales – offers the most sustainable approach for probation and is the best option to build on the positive changes made under Transforming Rehabilitation.

### **Will the model be the same in England and Wales?**

The new model builds on existing proposals for Wales which we believe will create a structure that is better able to adapt to meet local needs. There is similarity in that all Offender Management will become the responsibility of the National Probation Services while certain interventions will be undertaken by other providers.

There are however some distinctions between how services operate in England and Wales which reflect the requirements of both nations. These will continue under the new model.

The existing structure of HMPPS Wales is different to that in England. In HMPPS in Wales, the structure combines prison and probation services under the same management line. Also in the existing model in Wales, the CRC is already co-terminus with the existing NPS Wales Division.

The justice devolution settlement allows us to make distinct arrangements for probation that meet the needs of Wales. In Wales, the probation system is part of a wider system of governance which operate with a number of devolved responsibilities. For example, education and health and local authorities are governed by the Welsh government e.g. health in prisons. This mean there is a responsibility to discuss cross-cutting issues with the Welsh government. In addition, there are a number of legislative papers the agency must adhere to such as the Wellbeing of Future Generations (Wales) Act 2015.

### **How will probation staff be kept informed throughout the process?**

Senior Leaders will continue to update staff as we progress and all communication channels will be used to ensure staff are involved and have opportunities to share feedback and ask questions.

There will be separate consultation in regard to the transfer of staff – this will happen first in Wales.

We will continue to provide information to CRC staff.

Staff can get in touch with questions via email at [strengthening.probation@justice.gov.uk](mailto:strengthening.probation@justice.gov.uk)

**How can I get involved?**

A series of workshops will be run across England and Wales to share further details regarding future design, change and transition processes. Staff can also get in touch with the programme directly via the email [strengthening.probation@justice.gov.uk](mailto:strengthening.probation@justice.gov.uk).

Consultation will also continue to take place through Trade Unions. Further staff engagement events will be advertised.