



House of Commons  
Justice Committee

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# The future of the Probation Service

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Eighteenth Report of Session 2019–21

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**Eighteenth Report of Session 2019–21**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
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## Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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# 1 Introduction

1. Probation is designed to protect the public and reduce reoffending by supervising offenders in the community and overseeing their rehabilitation.<sup>1</sup> At 30 June 2020, some 224,587 people were under probation service supervision.<sup>2</sup> Those on probation may have served a prison sentence and been released on licence or parole. Alternatively, they may be serving a non-custodial community sentence.<sup>3</sup>

2. Since 2014–15, probation services have been delivered in two ways as a result of substantial reform of a national probation system formerly organised on regional lines. The Transforming Rehabilitation programme divided the service into a National Probation Service (NPS) to deal with the most serious offenders and Community Rehabilitation Companies (CRCs) run by private and/or third sector organisations. At June last year, offender supervision was near-equally split between the NPS and CRCs, with 109,335 (48.7%) offenders supervised by the NPS and 115,252 (51.3%) by CRCs.

3. The reforms, introduced by the then Lord Chancellor and Secretary of State for Justice Chris Grayling MP, have been controversial and, although short-lived, are being largely reversed with the establishment of a single national service capable of commissioning services from the private and/or third sectors. In July 2018, the then Lord Chancellor and Secretary of State for Justice David Gauke, announced that probation contracts with CRCs would be terminated 14 months early and launched a consultation on the future model of probation. A new model for probation was published in March 2020,<sup>4</sup> and updated in June 2020;<sup>5</sup> the model was published in February 2021.<sup>6</sup>

4. The controversy surrounding the short-lived 2014–15 split of services and the payment-by-results of CRCs has been amply covered, including critical reports from the Public Accounts Committee and the National Audit Office and in two Justice Committee reports.<sup>7</sup> Our inquiry has therefore focused on the new probation reform programme. Where lessons can be learned from the Transforming Rehabilitation programme's clear failure, however, we will highlight them.

5. This latest phase of the Probation Reform Programme is, of course, also taking place during the Covid-19 pandemic period, which raises additional challenges both for reform of services and for the way in which services are delivered against that background of change. We reported last summer on the initial effect of the pandemic in "*Coronavirus (COVID-19): The impact on probation services*".<sup>8</sup>

1 Committee of Public Accounts, Ninety-Fourth Report of Session 2017–19, [Transforming Rehabilitation: progress review](#), HC 1747

2 Ministry of Justice, Probation data ([accessed 17 February 2021](#))

3 Ministry of Justice, 'Probation' ([accessed 17 February 2021](#))

4 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020)

5 HMPPS, [Update to the Draft Target Operating Model for Probation Services in England and Wales](#) (June 2020)

6 HMPPS, Probation Changes Bulletin - Issue 6 - August 2020 ([accessed 17 February 2021](#))

7 Justice Committee Ninth Report of Session 2017–19, [Transforming Rehabilitation](#), HC 482 and Justice Committee, Nineteenth Report of Session 2017–19, [Transforming Rehabilitation: Follow-up](#), HC 2526

8 Justice Committee, Third Report of Session 2019–21, [Coronavirus \(COVID-19\): The impact on probation systems](#), HC 461

## Our Inquiry

6. We set out to examine the proposed model for the new probation service and how well it addresses the problems identified under the Transforming Rehabilitation model. We launched our inquiry into The Future of the Probation Service on 21 July 2020 and have held three public evidence sessions. We also held a private focus group with service users facilitated by Revolving Doors, for whose help we are grateful.

7. We received more than 30 written submissions from individuals and organisations including providers of probation services, academics, and public and third sector organisations. All the evidence may be found on our website, along with the terms of reference.<sup>9</sup> We thank all who gave oral and written evidence.

8. Finally, we are grateful to all the staff who work to reduce reoffending and to rehabilitate those who have committed crimes, not least for maintaining service levels over six years of near-continuous organisational change and a further 12 months of additional pressures arising from coronavirus. We thank, too, wider stakeholders for all the work they have done and are doing to respond to the pandemic, to support offenders and to protect the public.

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## 2 Transforming Rehabilitation and the Probation Reform Programme

### Transforming Rehabilitation

9. Transforming Rehabilitation was a major structural reform programme introduced shortly after Chris Grayling MP became Lord Chancellor and Secretary of State for Justice in 2012. The programme implemented in 2014–15 introduced fundamental changes to how probation was organised and delivered. The primary change was the division of service delivery into two parts:

- The National Probation Service (NPS)—responsible for managing offenders who posed the highest risk of harm to the public and who had committed the most serious offences. The NPS was organised into seven geographic areas.
- Community Rehabilitation Companies (CRCs)—run by a mix of providers from private, statutory and voluntary sectors, contracted to deliver community sentences for medium and low-risk offenders, and paid, in part, for results achieved in reducing reoffending. In 2014, private companies (including Sodexo, Interserve, and MTC Novo) won bids to provide services in 21 CRC areas.

10. The programme proved controversial from the beginning.<sup>10</sup> Among others, our predecessors identified a number of serious problems in their June 2018 report ‘Transforming Rehabilitation’ and concluded: “we are unconvinced that the TR model can ever deliver an effective or viable probation service”.<sup>11</sup> Three years on, that judgment has been entirely justified.

11. In July 2018, the then Lord Chancellor and Secretary of State for Justice, David Gauke announced that the MOJ would end the CRC contracts in 2020, some 14 months early, and following the collapse of some CRC providers who had had lower activity levels, and therefore lower payments, than they had expected and some of whose performance the Public Accounts Committee described as “woeful”.<sup>12</sup> The Ministry of Justice announced an additional £22 million a year investment in “through-the-gate” support for offenders when they leave prison, as part of wider changes to contracts to stabilise CRC delivery until the end of 2020 and enable the CRCs to continue to deliver the level of service required before their contracts ceased.<sup>13</sup> Mr Gauke, also launched consultation on the future model of probation: ‘Strengthening Probation and Building Confidence’.<sup>14</sup>

12. In May 2019, the Government announced changes to the delivery model. Most notably, the split between the NPS and CRCs would be reversed, bringing supervision of offenders at all risk levels back under a national probation service.<sup>15</sup> Table 1 summarises key events in the development of Transforming Rehabilitation policy.

10 See table 1 below

11 Justice Committee, Nineteenth Report of Session 2017–19, [Transforming Rehabilitation: Follow-up](#), HC 2526

12 Ministry of Justice, [‘Justice Secretary outlines future vision for probation’](#), July 2018

13 Ministry of Justice, [‘Justice Secretary outlines future vision for probation’](#), July 2018

14 Ministry of Justice, [‘Strengthening probation, building confidence’](#) (July 2018)

15 Ministry of Justice, [‘Strengthening probation, building confidence’](#) (July 2018)

Table 1: Key Developments in Transforming Rehabilitation Policy 2016–2019

Date	Development
February 2015	Contracts let to Community Rehabilitation Companies (CRCs)
April 2016	NAO report acknowledges it is early days but identifies “fundamental issues” with the operation of TR. <sup>16</sup>
March 2017	CRCs project £443 million total forecast losses from 2016–17 to 2021–22. Volumes of activity CRCs are being paid for are well below the levels expected when the contracts were let, while the number of offenders supervised has increased. <sup>17</sup>
June 2017	MOJ agrees adjustments to CRC contracts, giving total additional projected payments of £342 million over the lifetime of the contracts. <sup>18</sup>
December 2017	NAO reports on the adjustments to CRC contracts. <sup>19</sup>
December 2017	HMI Probation report finds “deep-rooted problems”, “most CRCs are struggling”, “questions whether the current model for probation can deliver sufficiently well” <sup>20</sup>
March 2018	Public Accounts Committee report finds that performance of CRCs “woeful”. <sup>21</sup>
June 2018	Justice Committee publishes Transforming Rehabilitation report: “The TR reforms had some laudable aims but these reforms have failed to meet them”. <sup>22</sup>
July 2018	Government announces existing CRC contracts will be cut short to end in December 2020 and that an additional £22m pa will go into Through the Gate services (for resettlement services for offenders leaving custody). <sup>23</sup>
July 2018- Sep 2018	MOJ consultation on future of transforming rehabilitation- based on the premise that the Department intends to keep the public/ private split with CRCs continuing to supervise low- and medium- risk offenders. <sup>24</sup>
October 2018	Interim response to Justice Committee report received from MOJ: “we continue to believe that the underlying principles of the TR reforms were sound”. <sup>25</sup>
Feb- March 2019	Working Links and Interserve plc (CRC providers) go into administration. <sup>26</sup>

<sup>16</sup> National Audit Office, [Transforming Rehabilitation](#), (April 2016), p 10

<sup>17</sup> National Audit Office, [Investigation into changes to Community Rehabilitation contracts](#), (December 2017), p 7

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Committee of Public Accounts, Twenty-Seventh Report of Session 2017–19, [Government contracts for Community Rehabilitation Companies](#), HC 897

<sup>21</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/897/897.pdf>

<sup>22</sup> Justice Committee, Ninth Report of Session 2017–19, [Transforming Rehabilitation](#), HC 482

<sup>23</sup> Ministry of Justice, ‘[Justice Secretary outlines future vision for probation](#)’, July 2018

<sup>24</sup> Ministry of Justice, [Strengthening Probation, Building Confidence Consultation](#), July 2018

<sup>25</sup> Letter from David Gauke MP, Lord Chancellor and Secretary of State for Justice to Sir Bob Neill, Chair, Justice Committee, [Transforming Rehabilitation](#), October 2018

<sup>26</sup> HC Deb, 18 February 2019, [HCWS1138](#) [Commons written ministerial statement]

Date	Development
28 March 2019	Report of outgoing HMI Probation: existing probation model is “irredeemably flawed”. <sup>27</sup>
March 2019	NAO report on Transforming Rehabilitation: “poor value for the taxpayer”. <sup>28</sup>
3 April 2019	Secretary of State for Justice, David Gauke, tells the Justice Committee that Transforming Rehabilitation had “clearly not delivered in the way we wanted” and that the MOJ is considering the consultation responses (Q33–37). <sup>29</sup>
3 April 2019	Justice Committee publishes Prison Population 2022: Planning for the future: notes decline in judicial confidence in community sentences due to impact of TR reforms. <sup>30</sup>
3 May 2019	Public Accounts Committee report on Transforming Rehabilitation: “probation services left underfunded, fragile, and lacking the confidence of the courts”. <sup>31</sup>
8 May 2019	MOJ Permanent Secretary receives a Ministerial Direction to process payments to Permitted Subcontractors for the losses that they have incurred due to the failure of Working Links and its three CRCs. <sup>32</sup>
16 May 2019	Government announces new probation system from January 2021 (in England) and by the end of 2019 (in Wales): CRC contracts to end and offender management to be brought under National Probation Service. <sup>33</sup>
7 June 2019	Full MOJ response to Justice Committee Transforming Rehabilitation report published. <sup>34</sup>

Source: Various

13. Although the Transforming Rehabilitation reforms have been subject to much criticism, CRC providers have arguably succeeded in bringing necessary innovation. For example CRCs have employed people on probation “a lot more than the public sector traditionally has in terms of either mentors or peer support”.<sup>35</sup> CRCs have also introduced “new rehabilitation programmes and some quite sophisticated data tools to see what the needs of offenders are”.<sup>36</sup> Many have expressed their desire to hold on to some of the key innovations that have been achieved under transforming rehabilitation and would like to see them continued into the new model.

27 HM Inspectorate of Probation, [Report of the Chief Inspector of Probation](#) (March 2019), p 3

28 National Audit Office, [Transforming Rehabilitation: Progress review](#) (March 2019), p 10

29 Oral evidence taken before the Justice Committee on 3 April 2019, HC (2019) 2094, [Q33–37](#) [David Gauke]

30 Justice Committee, Sixteenth Report of Session 2017–19, [Prison Population 2022: planning for the future](#), HC 483

31 Committee of Public Accounts, Ninety-Fourth Report of Session 2017–19, [Transforming Rehabilitation: progress review](#), HC 1747

32 Ministry of Justice, ‘[Working Links: Ministerial Direction](#)’, 8 May 2019

33 “Justice Secretary announces new model for probation”, Ministry of Justice, [16 May 2019](#)

34 Justice Committee, Eight Special Report of Session 2017–19, [Transforming Rehabilitation: Government Response to the Committee’s Ninth Report of Session 2017–19](#), HC 2309

35 [Q169](#) [Amy Rees]

36 [Q4](#) [Justin Russell]

## The new probation reform programme (March 2020)

14. In March 2020, Her Majesty's Prison and Probation Service (HMPPS) published a Draft Target Operating Model for Probation, which set out the latest developments in the design of the future probation model, including the role of the private and voluntary sector in delivering rehabilitative work such as courses and unpaid work.<sup>37</sup>

15. Under the new model, all responsibility for sentence management will move to the National Probation Service, which will be split into 11 regions across England and one for Wales. A Regional Probation Director will be responsible for delivery and commissioning of probation services in each area.

16. The Ministry of Justice intended to appoint Probation Delivery Partners within each region to deliver unpaid work, accredited programmes and 'structured interventions' on emotional management, attitudes, thinking and behaviour and domestic abuse.<sup>38</sup> The Ministry also included a Dynamic Framework in the new model, a commissioning mechanism to enable the regional Directors to procure rehabilitation and resettlement interventions. We will further discuss the Dynamic Framework later in this report.<sup>39</sup>

17. Procurement for Probation Delivery Partner contracts began in December 2019 (pre-qualification stage). Contract notices were issued, and bidders informed whether they had been successful in the pre-qualification phases. Successful bidders were issued with invitations to tender on 6 February 2020 with responses due by 20 March 2020.<sup>40</sup>

## End of Probation Delivery Partner Contracts (June 2020)

18. The next and current Lord Chancellor and Secretary of State for Justice, Robert Buckland QC MP, announced on 11 June 2020 that elements of rehabilitative work (accredited programmes, structured interventions and unpaid work) due to be contracted out would now be brought back under the control of the NPS.<sup>41</sup> The competitive process for Probation Delivery partners was subsequently ended. In a Ministerial Statement Mr Buckland said:

[...] I am today setting out changes to streamline the reforms, giving priority to unifying the management of offenders under a single organisation by June next year [June 2021] as planned, while giving us greater flexibility to respond to an uncertain picture across the criminal justice system and beyond.

"Under those revised plans, we will end the competitive process for probation delivery partners. The delivery of unpaid work and behavioural

37 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 11

38 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 11

39 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 11

40 Clinks, ['Probation review update: commissioning of rehabilitative and resettlement services'](#) (February 2020)

41 HC Deb, 11 June 2020, [Volume 677](#) [Commons Chamber]

change programmes will instead be brought under the control of the NPS alongside offender supervision when the current CRC contracts end in June next year.<sup>42</sup>

19. The Lord Chancellor also confirmed that procurement for resettlement services (through a Dynamic Framework - see chapter 4 below) would still go ahead.

20. A number of CRC providers wrote to the Committee to express their discontent at the decision made by the Ministry of Justice to end the competition for the Probation Delivery Partner contracts and told of their limited involvement in the decision-making process. Sodexo,<sup>43</sup> told us:

Although the Department will have a different view, there was no meaningful opportunity to represent alternative proposals. It was clear from the point that the PDP [Probation Delivery Partner] bidding process was suspended that the decision to renationalise was a long way down the track. The engagement that followed was completed within a short space of time and had the feel of being taken through a process for the sake of process, the outcome of which was already determined.<sup>44</sup>

21. Other providers also questioned the rationale behind the decision and how far it was driven by new covid-19 pressures.<sup>45</sup> Suki Binning, Chief Executive Officer, Kent, Surrey and Sussex CRC (Seetec), told us:

I struggle to give a narrative to staff around the role that Covid played. What we would have thought would be ideal would be a period of stability, where those who are providing services at the moment—particularly around unpaid work programmes—continue to do that. We are now under huge pressure to deliver a transition plan with the backdrop of a pandemic. That is quite difficult for us.<sup>46</sup>

22. Lucy Frazer QC MP, then Minister of State for Justice with prime responsibility for implementing the new model, responded on the rationale behind the decision to end Probation Delivery Partner Contracts and the involvement of CRCs:

The position we were in was that we were rolling out the competitions. We had taken the decision that we would contract out that element of probation to the private sector. That was a decision we were absolutely comfortable with and were pursuing, and then the pandemic hit.

We were very conscious of the potentially significant operational impact of Covid and the uncertainty it brought with it in the middle of a big change programme, and the potential economic impacts for the whole country. We had to take a decision very quickly. Did we continue with the contracts we were in the middle of tendering for, or did we change course? We decided

42 HC Deb, 11 June 2020, [Volume 677](#) [Commons Chamber]

43 See also: Seetec ([PRO0010](#)); Tom Yates (External Communications Executive at MTC) ([PRO0032](#)); [Q35](#) [Adam Hart]

44 Sodexo ([PRO0005](#))

45 See also: [Q37](#) [David Hood]; [Q38](#) [Adam Hart] and [Trevor Shortt]

46 [Q36](#) [Suki Binning]

that, in the interests of delivering a vital public service, for certainty, the appropriate decision was to change course. In order to deliver by June 2021, we had to take that decision quickly.

We engaged with the CRCs [...] but there was a very small window for us to take that decision, given the circumstances in which we found ourselves.<sup>47</sup>

23. The Minister added that CRC providers may still be able to obtain contracts for some services:

the sort of services they want to provide may fall within the dynamic framework [...] There are still contracts on the table of the sort they were pursuing under the current regime. Those contracts are valued at £100 million, so there are some opportunities.<sup>48</sup>

24. While some providers have been disappointed at the Government's decision to end Probation Delivery Partner Contracts, non-provider support organisations have largely welcomed the decision, in favour of the more unified service. Clinks, for example (an advisory group to the MOJ), said:

We largely welcome the decision [...] The majority of voluntary sector organisations were excluded from competing for the Probation Delivery Partner contracts to deliver accredited programmes and unpaid work as the contract sizes were too large. Delivery by the NPS will help to further simplify the system and reduce the resource and capacity MoJ and HMPPS must commit to contract management and monitoring.<sup>49</sup>

25. Julia Mulligan, Police, Fire and Crime Commissioner for North Yorkshire, said that covid-19 made the decision necessary but there were already concerns about whether the proposals would work.<sup>50</sup> Landworks (which provides work placements for prisoners) also welcomed the decision:

There is no doubt that the Transforming Rehabilitation reforms created a disjointed and complex system that hindered rather than assisted rehabilitation, with confusing accountability, decision making and service delivery responsibilities and there was a risk of elements of that continuing with the proposed probation delivery partners.<sup>51</sup>

**26. A previous Justice Committee said in 2018 that the Transforming Rehabilitation looked unlikely ever to work. Time has proved our predecessors right. We welcome the Government's decision to reunify the Probation Service and to introduce a new probation reform programme, even if we must acknowledge how unsatisfactory it is that those working in the system must face more organisational change after six years of it and a 12-month period of coping with a pandemic. We thank the CRC providers for their work over the past six years, and recognise the positive work that has been done and the innovation CRCs have brought to the probation service during this time.**

47 [Q174](#) [Lucy Frazer]

48 [Q177](#) [Lucy Frazer]

49 Clinks ([PRO0015](#))

50 Julia Mulligan (Police, Fire and Crime Commissioner for North Yorkshire at Office of the Police, Fire and Crime Commissioner for North Yorkshire) ([PRO0007](#))

51 LandWorks ([PRO0011](#))



### **The unified model: A lasting solution?**

27. In June 2020, the Ministry of Justice published an ‘Update to the Draft Target Operating Model for Probation Services in England and Wales that set out key changes following the announcement that Probation Delivery Contracts had been cancelled.’<sup>52</sup> The MOJ published the final version in February 2021.<sup>53</sup> The key elements are:

- all sentence management activity will move into the NPS as of June 2021;
- advice to the courts will continue to be a core duty of the NPS;
- transition from Enhanced Through the Gate<sup>54</sup> to a new resettlement model;
- probation services will be organised around 12 regions (including Wales) and overseen by a Regional Probation Director with accountability for both NPS and contracted delivery;
- unpaid work, accredited programmes and certain structured interventions will be delivered by the NPS following the end of current CRC contracts in June 2021; and
- the Dynamic Framework will provide additional rehabilitative and resettlement services that can be called off at a local level to respond to need.<sup>55</sup>

28. Given that this is the second major reform programme in the last five years, many have expressed their hope that the new model will be a lasting one.<sup>56</sup> Justin Russell, HM Chief Inspector of Probation, told us:

It is the fourth major restructuring in over 20 years [...] so it is very important for everyone working in the service that they get some stability going forward.

I do not think structural reform by itself will necessarily bring that stability. It is very important that it is backed up with real resources, strong leadership and the right performance framework. All of those elements have to be in place. Merely shifting boundaries around while changing the structures will not by themselves necessarily bring substantial improvements in quality.<sup>57</sup>

29. Laura Seebohm, Executive Director, External Affairs, Changing Lives (which works with women on probation), was “very hopeful, in that a national probation service with a very clear remit is more likely to bring together a very integrated and co-ordinated experience for people in the criminal justice system, and should reduce fragmentation.”<sup>58</sup> Mat Ilic, Chief Development Officer, Catch 22 (a not-for-profit business that works with offenders and ex-offenders), agreed:

52 HMPPS, [Update to the Draft Target Operating Model for Probation Services in England and Wales](#) (June 2020),

53 HMPPS, [The Target Operating Model for Probation Services in England and Wales](#) (February 2021),

54 See Chapter 5 of this report

55 HMPPS, [Update to the Draft Target Operating Model for Probation Services in England and Wales](#) (June 2020), p 8

56 See also: [Q70](#) [Jessica Mullen]

57 [Q1](#) [Justin Russell]

58 [Q70](#) [Laura Seebohm]

Broadly, structurally, the direction of travel feels much better; some of the commitments seem much more solid, and there is recognition of some of the previous challenges. I suppose it is down particularly to the likes of ourselves, along with other actors, including the National Probation Service more than anyone, to try to build the system from day one ... It has potential to carry much more enduring change, but it will need all sides to work together to try to land some of the changes that have been implemented.<sup>59</sup>

30. Lucy Frazer QC MP was confident that the new model would be a lasting solution:

It is a major reform and we need to make sure that it works. There are particular reasons why the last reform did not work. When we contracted out to private providers, they were not financially viable contracts. The reason is that we were guessing what was going to come through the system and we got it wrong [...]

I think the reason it will work is that we are not planning to do everything on day one. We are planning to make sure that the system stands up on day one, and then learn, reiterate and develop. We are confident that we will have a good, functioning system on day one, but we are even more confident that we will continue to review it and improve it as time goes on.<sup>60</sup>

31. **This is the second major probation reform programme in the last five years. The unplanned-for effect of covid-19 has only added to the challenges the Probation Service faces. The lessons of the previous, failed reforms must be learned, and the new model must provide a lasting solution that allows some stability to a vital and hard-pressed service.**

32. **As the then Minister of State, Lucy Frazer, acknowledged to us, one reason for the failure of the 2014–15 Transforming Rehabilitation reforms was inaccurate modelling of how much work, and therefore profit, would go to the private sector and third sector organisations allocated more than half the probation system’s overall caseload to administer. The PAC, the NAO and other bodies, including a former Justice Committee, have highlighted how the 2014–15 reforms foundered on being introduced too fast and without sufficient planning or research into their impacts.**

33. *We welcome the decision to unify the Probation Service once more. We warn, however, that, after the disruption of the past seven years, changes proposed and begun to the probation system must be fully thought through, properly funded and expected to remain in place for a period of decades rather than months or a few years. We seek an assurance from the Ministry of Justice that the new reforms will do so.*

34. **There is cause for concern in the way that some goalposts have shifted as the new model has been developed. In particular, the decision to seek Probation Delivery Partners while the new model of delivery was still being developed had unfortunate consequences. Its subsequent cancellation caused significant disappointment to those**

59 [Q70](#) [Mat Ilic]

60 [Q163](#) [Lucy Frazer]



private and third sector organisations whom the Ministry of Justice encouraged to put time and effort into making successful bids only to see the idea scrapped shortly afterwards.

35. *The Justice Secretary, Robert Buckland QC MP, highlighted the role of covid-19 in requiring his decision to cancel the Probation Delivery Partner programme, but we must be concerned at any possible echo of a repeat of over-rapid, under-researched reform being introduced, at great cost and inconvenience, and then swiftly reversed when difficulties arise. We recommend that the Lord Chancellor and Secretary of State for Justice make it clear whether his cancellation of the Probation Delivery Partner programme was a pragmatic decision as a result of the additional pressures raised by the covid-19 outbreak or a decision on principle to bring unpaid work and behavioural change programmes back within a unified national probation service for the long term. In particular, we invite him to confirm whether the Ministry plans to reconsider or revive a Probation Delivery Partner programme once the covid-19 pandemic has been contained.*

36. *We recommend that the Ministry review its decision to seek partners while the new model was still being developed and to report to us on whether future procurement processes will prevent the cancellation of proposed new contacts at such a late stage in a process and after potential bidders have put considerable time and effort into nugatory bids.*

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### 3 The Unified Model, Sentence Management and Advice to the Courts

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#### The Unified Model and Sentence Management

37. Sentence management is a core function of the probation service, requiring “effective delivery of the sentence of the court, ensuring individuals subject to community orders, suspended sentence orders, licence and post-sentence supervision are properly supervised, requirements are delivered, risks managed and enforcement action taken after non-compliance.”<sup>61</sup>

38. One of the most significant changes in the new model is a unified model of sentence management, “which brings the responsibility for the management of all individuals subject to probation services into the National Probation Service (NPS) by integrating the Community Rehabilitation Company (CRC) and NPS Sentence Management.”<sup>62</sup> This proposal reverses previous changes made to sentence management. HM Prison and Probation Service (HMPPS) note that “Unifying Sentence Management within one organisation will reduce the complexity of the current system and ensure it is delivered in a more coherent and efficient manner. Our model will build on the improvements underway in CRCs and the NPS and aims to achieve:

- Improved ICT Digital infrastructure for Court staff pre-sentence and for post Sentence Management.
- Improved assessment and Court reports proposing sentences and effective requirements to address identified risk and needs and reduce reoffending.
- An improved allocation process that is timely and supports an early focus on individuals’ needs.
- Risk and needs assessments and sentence planning that fosters a collaborative method of engaging with individuals subject to probation services.
- Clearer requirements for frequency of face-to-face contact.
- Clearer requirements for home visits where there are child protection/ domestic abuse issues.
- Strengthened management oversight to support professional judgement and enforcement decisions to improve compliance and increase sentencer and public confidence.
- Increased flexibility to manage dynamic risk factors whilst ensuring continuity of Sentence Management.

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61 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 36

62 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 10

- Probation Practitioners engaging expertise from other providers to reduce reoffending and harm.<sup>63</sup>

39. The new arrangements for sentence management are expected to come into effect from June 2021. In Wales, unified sentence management was brought into the NPS in December 2019 and CRCs continue to provide all other contracted services until their contracts end.<sup>64</sup>

## Confidence in Sentencing

40. Confidence among those who deliver and those who administer sentences was dented during the Transforming Rehabilitation reform period. Dame Glenys Stacey, then Chief Inspector of Probation, noted in her 2019 annual Report, that: “On inspection, we now find probation supervision provided under contract to be substandard, and much of it demonstrably poor. Judicial confidence in community sentencing is now at serious risk.”<sup>65</sup> Our predecessor Committee also found that TR had weakened judicial confidence, particularly in community sentences; in the ‘The role of the magistracy: follow-up’ Report, that Justice Committee found that: “under the Transforming Rehabilitation regime there had been a drop-off in confidence in community sentences, not helped by the ‘one-step removal of the Community Rehabilitation Companies [CRCs] from magistrates’; magistrates had also been concerned about delayed responses to breaches of community orders.”<sup>66</sup>

41. The Ministry of Justice, in its ‘Strengthening Probation, Building Confidence - Response to consultation’, noted the importance of building confidence in the new model: “Improving the confidence of sentencers in probation delivery will be an important element in making greater use of the full range of alternatives to custody available to the court and supporting our longer-term aspirations for sentencing reform. It is our assessment that our revised model will allow us to more quickly rebuild this confidence.”<sup>67</sup>

42. Many hope that the unified model will improve judicial and public confidence in sentencing. Mat Ilic, Chief Development Officer, Catch 22 told us that was one of the primary justifications for bringing offender management under one roof with the National Probation Service.<sup>68</sup> NACRO, which deals with the care and resettlement of offenders, thought reunification of the probation service should mean more consistent offers and more direct communication between the judiciary and those who deliver sentences.<sup>69</sup> Laura Seebom, Executive Director, External Engagement, Changing Lives, emphasised the importance of the voluntary sector: “one of the real shames of Transforming Rehabilitation was that the relationship between CRCs, the voluntary and community

63 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 37

64 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 24

65 HM Inspectorate of Probation, [Report of the Chief Inspector of Probation](#) (March 2019), p 3

66 Justice Committee, Eighteenth Report of Session 2017–19, [The Role of the Magistracy: follow-up](#), HC 1654 para 111

67 Ministry of Justice, [Strengthening Probation, Building Confidence](#) (May 2019), p 17

68 [Q77](#) [Mat Ilic]

69 NACRO ([PRO0013](#))

sector, and sentencers seemed to be severed.”<sup>70</sup> And the Magistrates Association was also positive about the potential effects of a unified probation service and model of sentence management.<sup>71</sup>

43. Others, though, have questioned how far the new model will increase confidence in sentencing.<sup>72</sup> For example, Seetec, one of the CRC organisations, told us: “The new model increases centralised control and funding, which will not necessarily result in increased sentencer confidence on its own and could in fact hinder local responsiveness.”<sup>73</sup> Landworks was also cautious:

There needs to be a broader cultural change, and development of a system that can truly provide tailored, joined up interventions that reflect the realities of the lives of people in the system. While the reforms are welcome, ultimately the new model will only really address the issue of confidence in community sentences, if the delivery of community sentences are seen to be improved and more effectively address the range of issues involved when seeking to aid rehabilitation and reduce reoffending.<sup>74</sup>

44. **The new unified model has the potential to increase judicial confidence, through improved communication, sharing of relevant information and a more consistent offer of support. We recommend that the Ministry of Justice sets out how it will assess whether the new probation delivery model improves sentencer confidence, what criteria will be used to make that judgment, and what research will be undertaken, and data gathered.**

45. **Confidence in non-custodial sentencing among judges and magistrates - and, by implication, the public - will rise only if the suitability and effectiveness of such sanctions are improved. More needs to be done to address the range of issues that cause offending and, in particular in this context, reoffending after both custodial and non-custodial sentences. The Police, Crime, Sentencing and Courts Bill currently progressing through Parliament offers a substantial opportunity to increase public confidence that those who offend are serving suitable sentences, in prison and afterwards or as community alternatives. We look forward to considering firm legislative proposals on sentencing, release, parole, probation, youth justice and the management of offenders as the Bill proceeds.**

46. **We recommend that the MOJ sets out what other action is being taken to improve judicial and public confidence in sentencing, particularly for the delivery of community sentencing. We recommend that the MOJ sets out what criteria it uses to measure the effectiveness of community sentencing, including the effect on reoffending.**

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70 [Q77](#) {Laura Seebohm}

71 Magistrates Association ([PRO0019](#))

72 See also: Sodexo ([PRO0005](#))

73 Seetec ([PRO0010](#))

74 LandWorks ([PRO0011](#))

### Advice to the Courts

47. The National Probation Service is responsible for providing advice to the courts, including the delivery of pre-sentence reports (PSRs), providing advice and information to help judges and magistrates in their sentencing decisions.<sup>75</sup> The NPS will retain responsibility for these functions under the new unified model.<sup>76</sup> Currently, around 53% of court disposals receive a pre-sentence report, although the MoJ have stated their ambition to increase this to 75% in the new model.<sup>77</sup>

48. HMPPS have committed to improving the quality of advice given to courts in pre-sentence reports “to ensure proposals target specific interventions and treatment requirements that will facilitate reduced reoffending”.<sup>78</sup> In their Draft Target Operating Model, HMPPS state:

We want to target fuller reports on more complex cases including individuals who have offended repeatedly, individuals subject to probation services, women, black and Asian people and people of other minority ethnic groups. We will also focus on the needs of young people as a priority cohort.<sup>79</sup>

49. HMPPS add that: “By its nature advice to court has to take account of wider impacts, including HMCTS Court reform, legislative planning and the commissioning of pilots to improve sentencing outcomes. In delivering improvements to advice to court, we are focusing on three high-level areas and are planning specific activity to bring these to effect, some of which will support wider improvements:

- 1. Increasing the use and the quality of pre-sentence reports, including a more targeted approach:
  - Deliver improved assessments and an increase in the use of pre-sentence reports.
- 2. Maximising our influence by flexibly developing our approach to sentencer liaison and the effective deployment of practitioners to influence outcomes:
  - Enhanced stakeholder engagement and sentencer collaboration. < Utilising an improved use of presence and liaison to enhance sentencing outcomes and maximise influence.
  - Increased and improved use of the post-sentence interview.
- 3. Improving the operating environment and capability for probation court teams:
  - Implement an improved ICT infrastructure.
  - Enable an improved training offer.<sup>80</sup>

75 HM Inspectorate of Probation, [The quality of pre-sentence information and advice provided to courts](#) (April 2020), p 6

76 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 169

77 HMPPS, [The Target Operating Model for Probation Services in England and Wales](#) (February 2021), p 48

78 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 169

79 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 169

80 HMPPS, [The Target Operating Model for Probation Services in England and Wales](#) (February 2021), p 48

50. There is consensus that better pre-sentence reports are fundamental to improving sentencer confidence.<sup>81</sup> The Independent Advisory Panel on Deaths in Custody, for example, told us: “It is essential to improve the confidence of the courts in community sentences in order to avoid the misuse of prison as a ‘place of safety’ for vulnerable people. And the role of probation services and good pre-sentence reports is pivotal here.”<sup>82</sup> The Magistrates Association stressed the need “to ensure that information presented to the court as part of a presentence report includes all relevant details about available services, as well as the individual.”<sup>83</sup>

51. Concerns have been raised about such reports being inaccurate or out of date. The Revolving Doors charity, which works with vulnerable people to provide policy advice to Government on their needs, held 30 interviews and four forums to gather evidence from probation service users. Regarding pre-sentence reports, they found that: “Many respondents raised that information provided to the courts was out of date, and in some extreme cases, related to a previous offence. Our respondents shared examples of where pre-sentence reports felt rushed or did not reflect the circumstances of the offence. People felt that probation staff were letting them down by not taking more time to do more rigorous pre-sentence reports.”<sup>84</sup>

52. HM Inspectorate of Probation, in its March 2021 report ‘Race equality in probation: experience of black, Asian and minority ethnic probation service users and staff’ identified that “the quality of PSRs was insufficient in too many cases, and not enough attention was paid to the service user’s diversity.”<sup>85</sup> Alex Chalk MP, Parliamentary Under Secretary of State for Justice, told us that “work is about to start to improve the quality of pre-sentence reports for this group and remove potential bias”.<sup>86</sup>

53. We heard from people with lived experience of the probation service about their experience of pre-sentence reports. Eden-Rose, Nadia and Phil<sup>87</sup> told us that they were not involved in their own pre-sentence report processes. Eden had spoken with a solicitor, not probation officers.<sup>88</sup> Phil told us:

The thing I remember is that the reports are not compiled with us in the room. I even had one sentence hearing where they used an old report. It was five months old, from memory. I was getting sentenced in the middle of February and they used an October report. They are not compiled while we are there. They ask you a few questions and compile a bit of information, and then they write it how they see it and not how you have tried to portray it. It is not all the time; sometimes people get it right. In my last probation report they got it spot-on, for some reason. Well, it was probably because they actually asked me.<sup>89</sup>

81 See also: Julia Mulligan (Police, Fire and Crime Commissioner for North Yorkshire at Office of the Police, Fire and Crime Commissioner for North Yorkshire) ([PRO0007](#))

82 Juliet Lyon CBE (Chair at Independent Advisory Panel on Deaths and Custody) ([PRO0029](#))

83 Magistrates Association ([PRO0019](#))

84 Revolving Doors Agency ([PRO0030](#))

85 HM Inspectorate of Probation, *Race equality in probation: the experiences of black, Asian and minority ethnic service users and staff* (March 2020), p 29.

86 Letter from Alex Chalk MP, Parliamentary Under Secretary of State for Justice to Sir Bob Neill, Chair, Justice Committee, ‘[Publication of HMI Probation Thematic Report](#)’, 15 March 2021

87 [Q146–150](#) {Phil, Eden-Rose, Nadia}

88 [Q147](#) [Eden-Rose]

89 [Q149](#)[Phil]



54. The Ministry of Justice emphasised its commitment to improving pre-sentence reports under the new model:

We are also committed to improving both the quantity and quality of pre-sentence reports (PSRs) to ensure more sentencing decisions accurately identify an offender's risks and needs, as well as highlighting suitable community interventions and treatment requirements that facilitate reduced reoffending. To achieve this, we will increase NPS capacity to prepare PSRs on more recorded disposals, and deliver an enhanced volume of fast delivery reports, including an increase in fuller reports for BAME and women offenders.<sup>90</sup>

55. **Pre-sentence reports are an essential part of probation delivery and ensure that sentencers have the information necessary to make sentencing decisions that will ensure justice and support rehabilitation. We welcome the MOJ's commitment to improving pre-sentence reports and increasing their use under the new model and are pleased to hear that NPS capacity to prepare pre-sentence reports will be increased.**

56. *We recommend that the Ministry of Justice set out how they intend to increase NPS capacity to prepare pre-sentence reports. The MOJ should also set out what work is being done besides this to improve the quality of pre-sentence reports, ensuring that those completing them understand and convey to sentencers what the needs of the offender are, and what is available in the local community where a community sentence may be appropriate.*

## 4 The Dynamic Framework

57. The Dynamic Framework<sup>91</sup> is a commissioning mechanism to enable regional probation directors to procure rehabilitation and resettlement interventions across England and Wales. Services from the Framework will be used for individuals on community orders and those supervised on licence in the community.<sup>92</sup>HMPPS note:

- Resettlement services: are delivered to individuals still in custody to help them prepare for release and resettle post-release, focused specifically on supporting and addressing needs in relation to transition from prison as well as reintegration into community life.
- Rehabilitative interventions are focused on the need to reduce reoffending for those on community orders, suspended sentences and licences and are intended to support individuals to re-integrate in the community and reduce reoffending by addressing a range of needs.<sup>93</sup>

58. The MOJ set out the design rationale for the Dynamic Framework:

Our plans for a Dynamic Framework will allow the NPS (and other organisations) to directly commission rehabilitative services in a way that encourages the participation of a range of suppliers including smaller suppliers and is responsive to the needs of local areas. We need the talent and expertise of the private, voluntary and public sectors working together as effectively as possible to cut reoffending and protect the public.<sup>94</sup>

59. Transforming Rehabilitation aimed to increase voluntary sector involvement in provision of probation services, however one of the primary criticisms of the TR reforms was the failure to meet this objective, and the NAO concluded that CRCs had “not developed supply chains as intended, primarily due to financial pressures”.<sup>95</sup> Third sector involvement with CRCs was ‘patchy’: at October 2018, just 11% (159) of the 1,443 voluntary organisations working in the criminal justice sector were providing services directly to CRCs.<sup>96</sup> HM Inspectorate of Probation noted:

It seems that the third sector is less involved than ever in probation services, despite best efforts; yet, many under probation supervision need the sector’s specialist help to turn their lives around.<sup>97</sup>

91 HMPPS note that “The Dynamic Framework is a hybrid of a Framework Agreement and a Dynamic Purchasing System (DPS). This is permissible as the services to be procured are listed within Schedule 3 of the Public Contracts Regulations (PCR) 2015 and so, pursuant to Regulation 74 of the PCF, will be subject to the Light Touch Regime under which the Authority is not obliged to comply with the full requirements of the PCR.”

92 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 86

93 Ibid

94 Ministry of Justice ([PRO0033](#))

95 National Audit Office, [Transforming Rehabilitation: Progress review](#) (March 2019), p 6

96 National Audit Office, [Transforming Rehabilitation: Progress review](#) (March 2019), p 6

97 HM Inspectorate of Probation, [Probation Supply Chains](#) (April 2018), p 5



60. The Dynamic Framework is intended to help create a clearer role in probation delivery for the voluntary, community and social enterprise sector and smaller providers, including local and specialist services<sup>98</sup> and resolve some of the issues with the Transforming Rehabilitation model. HMPPS has “designed the competition and commissioning processes to create greater accountability to co-commission services, and to give more direct opportunities for national and local voluntary, community and social enterprise organisations to deliver services”.<sup>99</sup>

### **How will the Dynamic Framework operate?**

61. HMPPS say the Dynamic Framework will be “split into categories based on needs and cohorts” and “allow organisations to qualify to provide services in whatever combination of local geographies (ranging from nationally through to a local and unitary authority level) best reflects their current footprint or ability to credibly expand, via selection of geographical areas from a predefined list provided.”<sup>100</sup>

62. Initially, the MOJ and HMPPS planned to let more than 200 contracts at Police and Crime Commissioner (PCC) level for rehabilitative and resettlement support for Day 1<sup>101</sup> in the following areas: Accommodation; Education, Training & Employment and Finance, Benefits and Debt; Dependency and recovery; Personal wellbeing; women’s services; and services for young adults in Wales. However, the scope of what is to be procured for Day 1 and how, has since changed. Procurement for most Day 1 services will now take place at regional, rather than PCC level. HMPPS, in their ‘Update to the Draft Target Operating Model’ say that covid-19 has affected both organisations’ ability to bid for contracts and the MOJ’s own capacity to let them, leading to a shift towards regional delivery:

For Day 1 we have also considered where it might be appropriate to procure services at a regional level rather than at a PCC level, thereby reducing the number of lots and making delivery for June 2021 more viable. A regional approach does not preclude local delivery.

63. In an August 2020 Probation Changes Bulletin, HMPPS was “pleased to say that since the competition was launched in June [2020], more than 350 organisations have registered an interest in delivering those interventions for use, and we are working towards launching the first competition, to procure Education, Training & Employment services.”<sup>102</sup> In a further update in October 2020, HMPPS confirmed that “over 200 organisations have now submitted a response to qualify for the Probation Services Dynamic Framework. Bids have been received in the first competition, for education, training and employment services and on 28 September we launched competition, for accommodation services.”<sup>103</sup>

98 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 11

99 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 11

100 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 87

101 ‘Day 1’ throughout this report refers to the first day of operational service delivery under the new model. Day 1 services are those services that will be operational from day 1 of the new model. Day 1 is expected to be 26 June 2021.

102 HMPPS, [Probation Changes Bulletin](#) (August 2020)

103 HMPPS, [Probation Changes Bulletin](#) (October 2020)

### Stakeholder views on the Dynamic Framework

64. The Framework has been broadly welcomed as a positive step toward specialist localised probation service provision. Sodexo, for example, said it:

can enable the commissioner to respond to changing needs, meet local variations and demands, jointly commission solutions with others and create natural social value in local communities, including but not limited to the growth of peer-led organisations. It has the potential to create a strong justice network amongst providers and enable co-commissioning to emerge as regions become more sophisticated in their commissioning approach.<sup>104</sup>

65. Laura Seebohm, Executive Director, External Affairs, Changing Lives, added:

a national probation service with a very clear remit is more likely to bring together a very integrated and co-ordinated experience for people in the criminal justice system, and should reduce fragmentation. [...] the focus on regional directors and a more regional approach means that it can be much more responsive to local need.<sup>105</sup>

66. Other organisations have, though, raised concerns about how it will work in practice, and whether it presents a genuine level playing field for smaller third sector organisations. Primary concerns include: complexity of the commissioning process; loss of probation delivery partners and the effect this may have on the competition for Dynamic Framework contracts; contract values and lengths, and the commissioning of Day 1 services.

### Complexity of the commissioning process

67. The complexity of commissioning processes raises concern that smaller organisations will not, or will not successfully, bid for contracts, in spite of the intention of encouraging their participation and their specialist provision of services. Landworks, for example, welcomed the ambition to involve small and specialist organisations but said:

the Dynamic Framework process feels far from light touch in practice, and inevitably given the size of the initial contracts and the nature of the framework, the process will be dominated by larger providers who have the resources and regional reach to compete for the initial contracts.<sup>106</sup>

68. NACRO was similarly concerned:

It will be difficult, time consuming and financially costly for providers to engage with the framework. Different pathways will be commissioned at different levels: some regionally (such as accommodation and education, training and employment), and some at Police and Crime Commissioner (PCC) level (such as finance, benefit and debt). If a provider wishes to bid to deliver services across the country in a pathway which is commissioned at PCC level, then they must take part in 42 different competitions.

104 Sodexo ([PRO0005](#))

105 [Q70](#) [Laura Seebohm]

106 LandWorks ([PRO0011](#))

## 69. Clinks also expressed reservations:

the process and the MoJ e-sourcing portal itself is extremely difficult to navigate. It is designed with commercial commissioning in mind and uses commercial language and terms that are not familiar to the voluntary sector. The use of such commissioning processes and portals has become a cross governmental feature that has significant implications for the wider voluntary sector but specifically the voluntary sector working in criminal justice which is disproportionately made up of smaller organisations less equipped to engage in such processes.<sup>107</sup>

70. Clinks fear the effect may be that many organisations will not participate: “as of 26th August, 150 organisations have completed Selection Questionnaire and a further 120 organisations have registered their interest on the dynamic framework portal. Of the 150 who have completed Selection Questionnaires, at least 60% of these are voluntary organisations. While on the face of it these numbers seem healthy, they represent a very small proportion of the voluntary sector working in criminal justice.” Clinks estimate that more than 1,700 voluntary organisations work in the criminal justice system across England and Wales, with around half to two-thirds working with people in the community under probation supervision.<sup>108</sup>

71. NACRO told us about the challenge changes to the procurement process may pose to voluntary sector organisations: “Different pathways will be commissioned at different levels: some regionally (such as accommodation and education, training and employment), and some at Police and Crime Commissioner (PCC) level (such as finance, benefit and debt). If a provider wishes to bid to deliver services across the country in a pathway which is commissioned at PCC level, then they must take part in 42 different competitions.”<sup>109</sup> This may thus make it time-consuming and financially costly for providers to engage in the framework, particularly during the current climate, where Covid-19 is affecting organisation resources, both financial and operational, with many organisations currently “overstretched by their efforts to deliver services during the pandemic”.<sup>110</sup>

72. Lucy Frazer QC MP, then Minister of State for Justice, told us of the work the Department had done to make the commissioning process more accessible for the voluntary sector:

we tried to make the areas as small as possible, so that they were able to bid for something that just covered their geographic area. The majority of the day one contracts are at PCC level rather than regional level. We heard a lot about the burden of the requirements on some of the technology, so we only required, for example, a self-certified equivalent to ISO security certification information, in order to reduce the requirements on them. We funded, or made available free of charge in some cases, consultancy support for smaller organisations, so that they could take part in the application process.<sup>111</sup>

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107 Clinks ([PRO0015](#))

108 Clinks ([PRO0015](#))

109 NACRO ([PRO0013](#))

110 Ibid

111 [Q185](#) [Lucy Frazer]

73. The Minister also told us: “The system will not be perfect on day one. I have asked for some expert analysis of the bidding process we have already undertaken because we want to continue improving it. We are going to analyse who bid, what the problems are with the system and whether we can improve the bidding process so that we get it better for the next funding round.”<sup>112</sup> The Minister further stated that: “ We are liaising with the Cabinet Office because there are some issues in relation to procurement that prohibit us from doing more, as we would like to do. There is a review at Cabinet Office level of procurement, and we are feeding into that.”<sup>113</sup>

74. **We are pleased to hear that Ministry of Justice have taken steps to make the Dynamic Framework more accessible to smaller third sector organisations, and particularly welcome the consultancy support that the Ministry of Justice have funded or made available free of charge to some smaller organisations. There is concern, however, among smaller and third sector organisations that the ambition to include their expertise in the system may be defeated by complex processes that may favour larger bidders. We support the work the Ministry of Justice is doing to address those concerns. We welcome the analysis the Department is undertaking on who is bidding under the Dynamic Framework and the issues arising from the bidding process, and we recommend that the Ministry of justice publish this analysis, alongside a plan of what measures will be taken to address any issues identified.**

75. *We welcome the work the Ministry is doing to feed into the Cabinet Office review of procurement and recommend that the MOJ update the Committee on the outcome of this review.*

### Contract values and lengths

76. Robert Buckland QC MP, Lord Chancellor and Secretary of State for Justice, announced on 11 June 2020 that “charities and private sector organisations will be able to compete for more than £100 million a year from today (11 June 2020) to run services such as education, employment, accommodation and support for those with addictions.”<sup>114</sup> Lucy Frazer QC MP, then Minister of State for Justice, later stated that “the total value of contracts to be commissioned through the Probation Service Dynamic Framework would exceed £100 million per year once the system reached a steady state”.<sup>115</sup>

77. Table 2 sets out the indicative proportion of overall Dynamic Framework contract value for each service to be procured, using estimates from Financial Year 2024/25 as representative of steady state spend. The Minister notes that “This is drawn from data made available to prospective bidders in July 2020. All values provided are indicative only and subject to change. They should not be viewed as confirmation of contract values, Call-Off term or actual volumes. It should be noted that for some lots, they may be co-commissioned with other partners, and some of these co-commissioned services may be procured through an alternative procurement route than the Probation Services Dynamic Framework. This particularly applies to the Finance, Benefit & Debt and Dependency & Recovery lots.”<sup>116</sup>

112 [Q179](#) [Lucy Frazer]

113 [Q185](#) [Lucy Frazer]

114 “Government to take control of unpaid work to strengthen community sentence”, Ministry of Justice, [11 June 2020](#)

115 [PQ 766 7](#) [on Probation: Finance], 20 July 2020

116 [PQ 766 7](#) [on Probation: Finance], 20 July 2020

**Table 2: Indicative proportion of overall Dynamic Framework contract value for each service to be procured (using estimates for Financial Year 2024/25)**

	Sum of Lot 1: Accommodation services	Sum of Lot 2.1 Finance, Benefits and Debt services	Sum of Lot 2.2 Education, Training and Employment services	Sum of Lot 3: Dependency and Recovery services	Sum of Lot 4: Family, lifestyle and Wellbeing services	Sum of Lot 5: Women services	Total
% of indicative Dynamic Framework contract value	9%	9%	11%	15%	43%	13%	100%

Lot 4 includes a separately-commissioned contract for support to Young Adults in Wales only.

Source: PQ [76697](#) [on Probation: Finance], 20 July 2020

78. NACRO and Clinks have pointed out that the initial proposed volumes and contract values released in 2019 were significantly higher than those release in the most recent information: NACRO said “the values in year 1 and in some cases subsequent years, fall short of the current cost of delivering services and are based on significantly lower volumes of work.”<sup>117</sup> Clinks adds: “we are concerned that in the first year the total investment in service delivery, once mobilisation costs are set aside, is potentially less than it is now. Values for some contract lots are significantly lower to those proposed in initial market warming materials in 2019, and in some cases are lower than existing contract values. [...] voluntary organisations have reported that in some instances projected volumes are significantly lower than those they current work with.”<sup>118</sup>

79. Clinks was also concerned about the decision to ‘ramp up’ volumes over the course of the contract; under the proposed model, contracted services from June 2021 will be delivered to fewer people in the first year, before ramping up over the course of the contract to full delivery in year three and four (For example, indicative contract values for the accommodation service category in London are: £545,000 in 2020/21; £1.2m in 2022/23; £1.7m in 2023/24; and £1.8m in 2024/25).<sup>119</sup> Clinks state: “ Given that there will be no fewer service users from day one of the system, it is difficult to understand the logic of this structure. Additionally, some proposed volumes for year one are actually lower than service currently being delivered, but nowhere has it been evidenced that there will be a reduction in demand from June 2021.”<sup>120</sup>

80. Catch 22, identified other concerns about proposed contract lengths and payment terms: “with the exception of ‘day one services’ which are envisioned to be three-year contracts for services, there will be significant uncertainty and variability in commissioned income. It will therefore be hard to employ staff on permanent, as opposed to fixed-term, employment contracts. All of this could be further hindered by the usual issue of public sector payment terms: typically, in arrears for services delivered. Some Police and Crime Commissioners, for example, pay for services rendered three months after delivery, creating cashflow challenges.”<sup>121</sup>

117 NACRO ([PRO0013](#))

118 Clinks ([PRO0015](#))

119 Clinks ([PRO0015](#))

120 Clinks ([PRO0015](#))

121 Catch22 ([PRO0016](#))



81. Although we recognise that contract values and volumes are indicative, we share in the concerns expressed by some of our witnesses, that in some instances projected volumes are lower than those that various organisations are currently working with. Given that contract value is based on projected volume, discrepancies in these figures, may prevent organisations from participating in the Dynamic Framework. For those that do participate, underfunded contracts may cause financial and operational issues later down the line which could affect the quality of service provision. *The potential for contracts to be underfunded is of significant concern to the Committee and we recommend that The Ministry of Justice set out how they are modelling projected volumes and contract values, and also what is being done to ensure that contracts are sufficiently resourced and deliverable according to the funding that is available.*

### Continuity of service

82. Under current procurement plans, the Finance, Benefits and Debt and Addiction and Recovery pathways will no longer be included in procurement for Day 1 services, raising concerns about whether all service users' needs will be met.<sup>122</sup> NACRO identified “substantial issues, as these services can be critical to ensuring that someone has the best chance at successful resettlement. Any withdrawal or suspension of these services will therefore be detrimental to those service users who would have benefited from them, and can also have a negative impact on the ability of service users to engage with other services”.<sup>123</sup>

83. Suki Binning, Chief Executive Officer, Kent, Surrey and Sussex CRC (Seetec) was concerned some services might fall between the cracks: “at the moment we do not quite know where restorative justice sits. We have dedicated teams that provide restorative justice and mentoring services. From some of the initiatives that we have seen up and down the country with other CRCs it is not really clear where they sit.” Trevor Shortt, Director of Operations - Community, Sodexo, similarly said not all services will be in place:

The question we need to deal with is what happens to services that are not part of the day one services, and what happens to the organisations that are currently providing some of those, and indeed the people who were involved in some often small and bespoke organisations and local services that we need to look after through the transition.<sup>124</sup>

84. Day 1 issues arise in almost any reorganisation, of course, and, as Mat Ilic, Chief Development Officer, Catch 22, reminded us, the Dynamic Framework is a longer-term tool and that Day 1 services should be “divorced” from what will happen when services bed down:

I view day one services as the insurance policy that will make sure that on 1 July next year, when the National Probation Service takes all responsibility for offender management, there is some provision that will ensure that

122 Tom Yates (External Communications Executive at MTC) ([PRO0032](#))

123 NACRO ([PRO0013](#))

124 [Q45](#) [Trevor Shortt]

people are not leaving prison into homelessness, that they are being enabled into work and that they are being supported in their wellbeing in other ways.<sup>125</sup>

85. Lucy Frazer QC MP, then Minister of State for Justice, was confident that necessary services would be in place: “We have ensured that the day one services we will deliver are the ones required by orders of the court. Everything that would be in an order will be delivered on day one. There is also the regional fund, but then we will be adding to the services. The day one services under way at the moment in terms of the competitions are education, training, employment, accommodation, personal wellbeing, women’s services and services for young adult males in Wales.”<sup>126</sup>

86. **No system can function fully from Day 1, but it is vital that probation service provision be as effective as possible. We acknowledge the fears of organisations such as NACRO about implementation of the Dynamic Framework, but equally note the confidence of the then Minister of Justice that services will be appropriately provided from the first day. We note the disappointment of those who may be affected by a shift from local to regional provision but appreciate why that was necessary at a time of pandemic. It is to be hoped that the ambition of including more third sector and smaller organisations with valuable specialist skills will be fully achieved in the longer term. Even given the difficulties that have arisen in its delivery, the Dynamic Framework appears overall to offer a more localised approach to service provision than was previously available. We recommend that the Ministry of Justice publish a commitment to ensure that procurement beyond Day 1 will take place at a more local than regional level wherever appropriate and where suitable services exist, to ensure that the services procured meet specific local needs. We also recommend that the Ministry of Justice also keep and publish records of procurement at regional/local levels and the volume of work awarded to smaller providers.**

87. **So far as Day 1 provision itself goes, we have heard convincing evidence that some services may not be available straight away and are not clear what will be provided for those people who would use them. We invite the Ministry of Justice to set out what initial provision will be offered on Day 1 to those who need financial, benefits and debt services no longer available, a need that may be exacerbated by the conditions created by the covid pandemic. We recognise that suitable services will be made available at a later date, but we seek clear information on when that will be. We recommend that the Ministry set out a post-Day 1 procurement timeline for services not in scope for Day 1.**

125 [Q72](#) [Mat Ilic]

126 [Q188](#) [Lucy Frazer]

## 5 Through the Gate and the new Resettlement model

88. Successful rehabilitation of people leaving prison relies on successful transition from prison to probation and other relevant community services. Through the Gate (TTG) resettlement services were introduced in 2015 (part of Transforming Rehabilitation) with the aim of providing a “seamless transition between prison and the community” and thus reducing reoffending.<sup>127</sup> Community Rehabilitation Companies (CRCs) were to provide TTG services to help prisoners maintain or find accommodation; provide assistance with finance, benefits and debt; and support entry to education, training and employment.”<sup>128</sup>

89. In 2016 and 2017, HM Inspectorate of Prisons reported significant problems with Through the Gate resettlement services for prisoners (short-term prisoners and those serving 12 months or more respectively). HM Inspectorate of Probation reported in 2016 that the quality of resettlement services was poor for those serving short sentences.<sup>129</sup> In 2017, HM Inspectorate of Probation reported: “CRCs are making little difference to their prospects on release... If Through the Gate services were removed tomorrow, in our view the impact on the resettlement of prisoners would be negligible.”<sup>130</sup> HMPPS accepted that “that the service wasn’t working as well as we hoped it would. There simply wasn’t enough detail about what it should look like and what it should deliver. Also, a number of people were being released from non-resettlement prisons who were not receiving a service.”<sup>131</sup>

90. In July 2018, the Ministry of Justice announced £22 million a year additional funding to improve resettlement for the remaining period of the CRC contracts.<sup>132</sup> The enhanced resettlement offer included tiered support for service users and focused on meeting service user needs in accommodation; employment, training and education; finance benefits and debt, and personal, relationships and community.<sup>133</sup>

91. The Ministry of Justice published an Evaluation of the Enhanced Through the Gate specification which presents the findings from a process evaluation of the transition to the ETTG specification in England and Wales. Some 165 interviews were conducted with TTG teams, prison staff and NPS staff in 20 prisons. Many consider the Enhanced TTG model to have been relatively successful, including HM Inspectorate of Probation, Clinks, and Nacro.<sup>134</sup> Catch 22 noted: “One of the positives of Transforming Rehabilitation was the implementation of Through the Gate support for all prisoners, with a holistic and seamless service.”<sup>135</sup>

127 HM Inspectorate of Prisons and HM Inspectorate of Probation, [An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#) (June 2017), p 3

128 HM Inspectorate of Prisons and HM Inspectorate of Probation, [An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#) (June 2017), p 3

129 HM Inspectorate of Probation and HM Inspectorate of Prisons, [An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#) (October 2016), p 8

130 HM Inspectorate of Prisons and HM Inspectorate of Probation, [An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#) (June 2017), p 3

131 Clinks, [Launch of an enhance service through the prison gate](#), accessed 12 February 2021

132 “Justice Secretary outlines future vision for probation”, Ministry of Justice, [27 July 2018](#)

133 Ministry of Justice, [A Process Evaluation of the Enhanced Through the Gate Specification](#) (2020), p 1

134 Justin Russell (HM Chief Inspector of Probation at HM Inspectorate of Probation) ([PRO0008](#)) and NACRO ([PRO0013](#)) and Clinks ([PRO0015](#))

135 Catch22 ([PRO0016](#))



### *The new resettlement model*

92. Current Through the Gate arrangements have been in place since 1 April 2019 and will run until the new arrangements go live in June 2021. The MOJ’s new approach to resettlement “is intended to address the issues identified in Her Majesty’s Inspectorate of Prison/Probation (HMIP) reports on resettlement and through the gate services, whilst retaining the best practice developed by CRCs and their partner third sector organisations delivering Enhanced Through The Gate (ETTG) services.”<sup>136</sup> The MOJ and HMPPS note that although they have seen improvements in some places since the additional investment was made in Through the Gate Services, there is a need, given the wider changes taking place across probation, to implement a revised approach to resettlement. The MOJ and HMPPS say:

Currently, individuals released from non-resettlement prisons are only able to access through the gates services if commissioned. Our resettlement approach provides pre-release activities for all sentenced individuals whichever prison they are held in before release and considers necessary support, including the importance of strong family relationships to support desistance.<sup>137</sup>

93. The new approach to resettlement is intended to enable the delivery of a more coherent and effective service.<sup>138</sup> The model is being developed alongside the Offender Management in Custody (OMiC) and reconfiguration work.<sup>139</sup> HMPPS say the new model will:

- Identify and access the right services per person and do this in a timely way, before release;
- Ensure services are delivered in the right place and at right time;
- Build professional relationships with individuals before and after release so there is continuity of support and bridge between prison and community;
- Consider an individual’s risk, need, strengths and wider lifestyle circumstances for resettlement; and
- Use the enhanced pre-release time to engage with the prison and other statutory agencies (safeguarding, Multi Agency Public Protection Arrangements, police, victim liaison) to ensure control and close monitoring is put in place, as required.

136 HMPPS, [The Target Operating Model for probation services in England and Wales](#) (February 2021), p 68

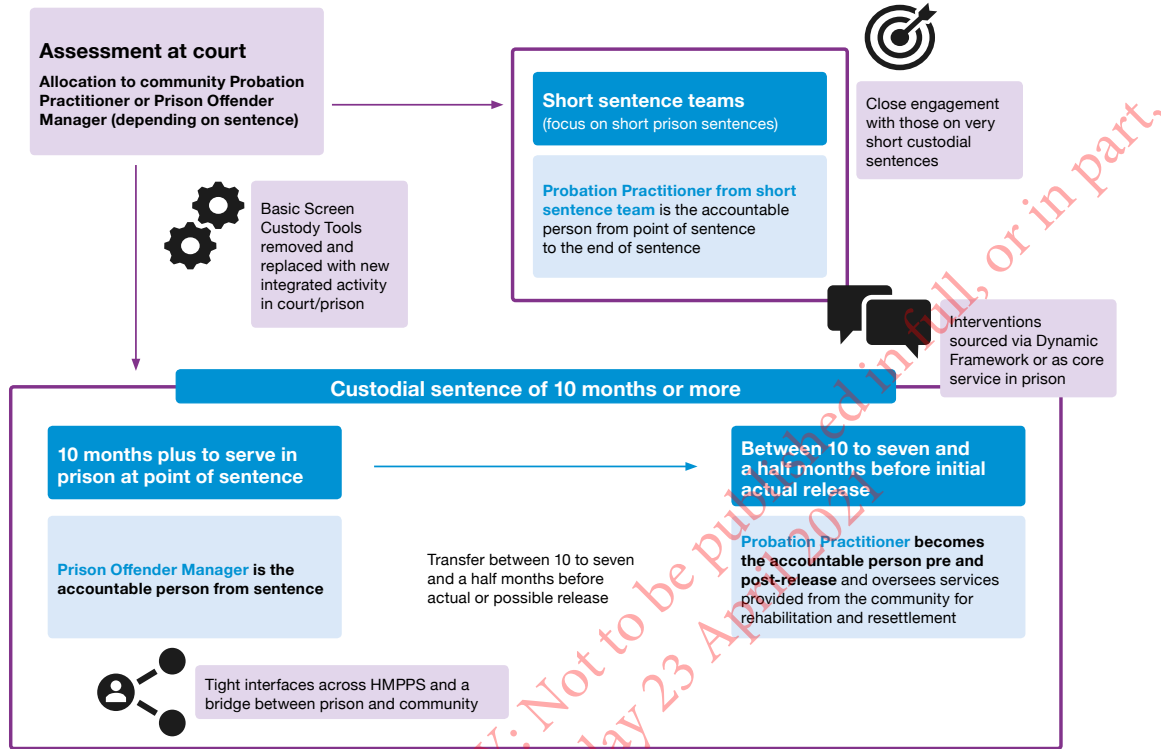
137 HMPPS, [The Target Operating Model for probation services in England and Wales](#) (February 2021), p 68

138 HMPPS, [The Target Operating Model for probation services in England and Wales](#) (February 2021), p 69

139 HMPPS, [The Target Operating Model for probation services in England and Wales](#) (February 2021), p 18

94. Table 4, sets out who is responsible for the offender’s resettlement needs, depending on the type or sentence and sentence length.

**Table 4: Outline of the Future Resettlement Model**



Source: HMPPS, *A Draft Target Operating Model for the Future of Probation Services in England and Wales* (March 2020), p 98

95. Lucy Frazer QC MP, then Minister of State for Justice, told us about the work the Ministry had done to learn from the Enhanced Through the Gate model and improve the resettlement model, including reducing the number of people who become involved in a prisoner’s journey; the offender will have a prison offender manager in prison, and then a probation offender manager (community offender manager) who will come in to the prison to support offenders 10 months before release. Further to this, The Ministry are introducing a team based in the prison that specialises in short sentences, which aims to reduce the number of people an offender needs to liaise with.<sup>140</sup>

96. Much of our evidence welcomes the commitment from the Ministry of Justice to improve the integration between prison and probation in the new resettlement model. The Association of Police and Crime Commissioners welcomed stronger integration particularly if it reduces failure to notify relevant organisations of early prisoner release.<sup>141</sup> Julia Mulligan, Police, Fire and Crime Commissioner for North Yorkshire, noted: “For the majority of the time that CRCs operated, ‘through-the-gate’ was not genuinely through the gate, but rather up to the point of release and not beyond. This created a massive

140 Q190[Lucy Frazer]

141 Association of Police and Crime Commissioners (PRO0017)

disconnect between interventions and resettlement support provided in prison and those provided in the community.”<sup>142</sup> Some 54% of UNISON members surveyed agreed the new model would improve integration.<sup>143</sup>

97. Good practice developed under the Enhanced Through the Gate model needs to be continued under the new model. The Magistrates Association told us that: “There are some very successful examples of good practice where through the gate services are working well, with prisons linking up with CRCs and charities that are providing supportive services. It will be important not to lose current good practice and effective services.”<sup>144</sup> Nacro and Catch-22 both anticipate difficulties in identifying the need for and delivery of interventions, for example, if specialist providers are based in the community with in-reach required into prisons.<sup>145</sup> Catch-22 said: “For example, we could see a service user being helped by eight or nine different organisations, as well as those through OMU [Offender Management Unit] and the prison.”<sup>146</sup><sup>147</sup> Laura Seebohm, Executive Director, External Affairs, Changing Lives, expanded the point:

The actual reality of prison life is clearance, getting space to see people if it is in-reach, with probation officers coming in, and the operational capacity of prisons to deliver. Are prisons involved in that planning and modelling or not? We don’t know, to be honest; or I don’t know. The nervousness of our teams is that maybe they are not.<sup>148</sup>

98. Lucy Frazer QC MP, then Minister of State for Justice, addressed the point about prisons being involved in the planning. Resettlement work was being led by the former Governor of HMP Liverpool, “who has brought her extensive experience of running a prison into our resettlement strategy”.<sup>149</sup>

### **Offender Management in Custody**

99. Other concerns have been raised about the development of the resettlement model alongside the Offender Management in Custody Model. The Offender Management in Custody model (OMiC) intends to improve safety by building better relationships between staff and prisoners. The model introduces a keyworker system, where all prisoners - where the system has been rolled out - will be allocated a key worker whose responsibility is to engage, motivate and support them through the custodial period. Governors must ensure that time is made available for an average of 45 minutes per week for the delivery of the key worker role. The second part of the model is the move away from being allocated offender managers in the community, to having a prison-based offender manager.<sup>150</sup>

142 Julia Mulligan (Police, Fire and Crime Commissioner for North Yorkshire at Office of the Police, Fire and Crime Commissioner for North Yorkshire) ([PRO0007](#))

143 UNISON ([PRO0018](#))

144 Magistrates Association ([PRO0019](#))

145 NACRO ([PRO0013](#))

146 Catch22 ([PRO0016](#))

147 See also: [Q78](#) [Mat Ilic]

148 [Q80](#) [Laura Seebohm]

149 [Q196](#) [Lucy Frazer]

150 Ministry of Justice, Manage the Custodial Sentence Policy Framework (November 2018), p 9

100. Clinks told us:

As we understand it, the roll out had not been fully completed prior to the Covid-19 pandemic and lockdown has resulted in further challenges to its implementation. We have been told by voluntary organisations currently providing through the gate services that neither they nor many governors fully understand the resettlement proposals and how they will work in practice.

HM Inspectorate of Probation also noted that: “It remains to be seen whether the new Offender Management in Custody arrangements will at least maintain, but ideally build on, these successes. We have committed to a joint thematic inspection of the OMiC arrangements, in both custody and the community, with HM Inspectorate of Prisons in the summer of 2021 (this was postponed from summer 2020 due to the impact of COVID-19 on business as usual).”<sup>151</sup>

**101. We welcome the additional investment the Ministry of Justice has made to improve Through the Gate service provision until existing contracts end. We are pleased that this additional investment has resulted in an improved service for those in need of resettlement support and we hope that the service continues to improve under the new model of probation. We particularly welcome the Ministry’s intention to improve the integration between prison and community. All this being said, we have heard from several witnesses that the new resettlement model lacks clarity, with some uncertainty about how the model will be delivered in practice.**

*102. We recommend that the Ministry of Justice set out how they intend the new model to be delivered practically on a local level, and how the model will work alongside those services commissioned through the Dynamic Framework. The Ministry should detail how they will ensure the “in-reach” (pre-release contact between the probation offender manager and prisoner) aspect of the new model works in practice, considering challenges often faced in regard to security clearance, access to space and the operational capacity for prisons to deliver.*

**103. We note that the new resettlement model is being developed alongside the Offender Management in Custody (OMiC) Model. While we welcome both models, our inquiry has highlighted some concern that the OMiC model has not yet been fully rolled out across the prison estate, which could affect implementation and success of the resettlement model. We recommend that the Ministry of Justice set out the status of roll-out of the OMiC model, including how many prisons are implementing the model fully, partially and not at all. Should the model not yet be fully implemented, we invite the Ministry to provide a timetable for its full roll-out.**

151 Justin Russell (HM Chief Inspector of Probation at HM Inspectorate of Probation) ([PRO0008](#))

## 6 Workforce

104. Probation Officers in both the NPS and in CRCs are fundamental to the probation service and fulfil a vital role in managing offenders and protecting the public. They are currently working against the backdrop of Covid-19 and a major reform programme, the second in five years. We would like to thank and praise those staff for their hard work and dedication, particularly over the past year.

### Staffing Levels

105. Key grades in the NPS include band 3 probation services officers, band 4 probation officers (collectively known as probation practitioners), as well as band 5 senior probation officers. Staff training to be a probation officer work as a probation services officer (PSO) during their training, so a proportion of the probation services officers in post will be working towards the professional probation officer qualification.<sup>152153</sup>

106. As at 30 September 2020, there were 3,550 Full Time Equivalent (FTE) band 4 probation officers in post, up 192 (5.7%) since 30 September 2019 but slightly fewer (by 63 or 1.7%) than at 30 June 2020. In addition, there were 2,888 FTE band 3 probation services officers: an increase of 303 (11.7%) since 30 September 2019 and of 342 (13.4%) since 30 June 2020. The increase in PSO numbers was as a result of recruitment to PQiP, who join as PSO, during the latest quarter.<sup>154155</sup>

107. HMPPS's Workforce Bulletin also notes that "623 probation services officers were appointed, some of whom will be training to become qualified probation officers. This is an increase of 90 (16.9%) compared to the year ending 30 September 2019 and an increase of 173 (38.4%) compared to the number appointed in the year ending 30 June 2020. In the past year, 206 probation services officers left the service. This is a decrease of 48 (18.9%) compared to the year ending 30 September 2019 and no substantial change of 1 (0.5%) compared to the number who left in the year ending 30 June 2020."

108. Low staffing levels have historically been problematic for probation services. HM Inspectorate of Probation conducted an Inspection on the central functions supporting the National Probation Service in January 2020, which found that for NPS staff (those managing high-risk offenders): "Workloads are high, with 60 per cent of probation officers carrying a workload over the 100 per cent target level and some much more than this. This reflects an ongoing and, in some areas, critical shortage of probation officers, with over 600 vacancies reported in June 2019 across England and Wales".<sup>156</sup> As of 8 December 2020, there were 464 probation officer vacancies.<sup>157</sup>

152 HMPPS, [Workforce Statistics Bulletin, as at 30 September 2020](#) (November 2020), p 5

153 CRC staffing figures are not included in section; CRC contracts require each CRC to maintain a sufficient level of staff and so CRCs have the authority to manage staff numbers as per their business and operating models.

154 HMPPS, [Workforce Statistics Bulletin, as at 30 September 2020](#) (November 2020), p 5

155 As a point to note, HMPPS set out some key organisations changes in their statistical bulletin, in which they note that in November 2019 over 1,200 NPS FTE staff were moved into the Community and Interventions directorate (part of HMPPS HQ and Area Services). These changes are included in this bulletin as of the September to December 2019 quarter."

156 HM Inspectorate of Probation, [An inspection of central functions supporting the National Probation Service](#) (January 2020), p 4

157 [Q201](#) [Amy Rees]

109. Commenting on issues with CRCs relating to staffing levels, HM Inspectorate of Probation told us that “Our CRC inspections have found a consistent issue with what staff perceive to be unmanageable caseloads, with more than half of staff interviewed in 2019 saying this was a problem. Two-thirds of the CRC staff we interviewed had a caseload of more than 50. Forty-two percent had caseloads over 60, and significant minorities had caseloads of over 70 and into the eighties.”<sup>158</sup> The Inspectorate also note that “proper resourcing for the unified probation structure is vital.

110. In their recent report, ‘Caseloads, workloads and staffing levels in probation services’, HM Inspectorate of Probation found that “when probation practitioners hold a caseload of fifty or more, they are less likely to deliver high-quality work meeting the aims of rehabilitation and public protection. A precise target number for caseload cannot be set as there are too many inter-connected variables in relation to case complexity, the available administrative support, and the interventions and services that can be accessed. However, there was consensus among staff and senior managers that between 50 and 60 cases is the maximum number that can be managed well.”<sup>159</sup>

## The Probation Workforce Programme

111. The new model for probation includes a new ‘Probation Workforce Programme’. HMPPS state that this programme has been created to “take forward work on making sure recruitment is diverse and inclusive, staffing levels are met, staff have the right learning and development and qualifications and opportunities for ongoing career development”.<sup>160</sup>

112. HMPPS further note that “having an appropriately trained and motivated workforce across the probation system and HMPPS as a whole, is crucial to reducing reoffending and protecting the public” and that “We are developing a target staffing operating model for the new probation model and which will align with the new HMPPS structure. We are considering the recruitment strategy and the right approach for allocating staff to positions within the new structure, and we are continuing to consider the transitional arrangements and costs and the needs around estates/ premises.”<sup>161</sup>

113. In July 2020, HMPPS published their Probation Workforce Strategy for 2020–2023. The strategy sets out 5 objectives:

- Promoting wellbeing for everyone
- Attracting and retaining talented people
- Supporting and developing our people
- Creating a more diverse workforce where everyone feels included
- Fostering confident leaders who inspire and empower others.<sup>162</sup>

158 Justin Russell (HM Chief Inspector of Probation at HM Inspectorate of Probation) (PRO0008)

159 HM Inspectorate of Probation, ‘Caseloads, workloads and staffing levels in probation services’, (March 2021), p 4

160 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 23

161 HMPPS, [A Draft Target Operating Model for the Future of Probation Services in England and Wales](#) (March 2020), p 23

162 HMPPS, [Probation Workforce Strategy](#) (July 2020), p 5



114. The MOJ and HMPPS note in their Target Operating Model that their focus is on recruiting and training increased numbers of probation officers to support the service and caseloads. The MoJ and HMPPS state that “By June 2021, we will have significantly increased the number of trainee probation officers we recruit each year to support delivery of the target operating model. Indeed, in 2020/21 alone we have committed to recruiting 1,000 new trainee probation staff. In the following financial year (2021/22), we will increase our recruitment even further to 1,500 trainee probation staff.”<sup>163</sup>

115. Initially, HMPPS, in its Workforce Strategy committed to increasing the recruitment of probation officers to have a minimum of 1,000 new probation officers in training by January 2021.<sup>164</sup> HMPPS also committed to enhancing qualification routes by improving the existing Professional Qualification in Probation (PQiP) and testing an accelerated progression pathway from Probation Services Officer to Probation Officer launching in 2020/21.<sup>165</sup>

116. HM Inspectorate of Probation, told us that:

We welcome the government’s ambition to recruit 1,000 new probation officers and the additional £155m investment in probation in this financial year but that needs to be sustained into the next spending review period. Earlier this year, we reported on the hundreds of probation officer vacancies in the NPS. The problem is especially acute in London and the South East. Staff transferring from CRCs will need specific support to manage high risk of serious harm offenders and a caseload that may include more dangerous cases. All staff need ongoing learning and development to ensure they have the skills, knowledge and experience they need to do the job effectively.<sup>166</sup>

117. Commenting on Probation caseloads, Justin Russell, Chief Inspector of Probation, HM Inspectorate of Probation, told us that during inspections: “We were finding probation officers with 70 or 80 cases, and you cannot manage risk effectively or do a good job by the people you are supervising if you are managing that many people.”<sup>167</sup> Many of our witnesses have noted the importance of addressing workload issues within the new model,<sup>168</sup> however some, such as NACRO, express some uncertainty about whether the new model of probation will address some of the workload issues that have been seen under Transforming Rehabilitation, stating that:

It is not clear to us whether workload issues will be resolved by the new model, much will depend on staffing levels. We believe that recruitment and retention of staff may be easier under a unified probation system, as there is the possibility of improving support and career progression for staff, but this will largely depend on the agreed structures. What we can see from the dynamic framework indicative contract values, is that if these are proceeded with then the caseloads for these interventions would have to be enormous and therefore unworkable.<sup>169</sup>

163 HMPPS, [The Target Operating Model for probation services in England and Wales](#) (February 2021), p 154

164 HMPPS, [Probation Workforce Strategy](#) (July 2020), p 4

165 HMPPS, [Probation Workforce Strategy](#) (July 2020), p 4

166 Justin Russell (HM Chief Inspector of Probation at HM Inspectorate of Probation) ([PRO0008](#))

167 [Q6](#) [Justin Russell]

168 See also: LandWorks ([PRO0011](#))

169 NACRO ([PRO0013](#))

118. Switchback, although welcoming the new model's prioritisation of resettlement work and the focus on Probation Practitioners providing trusting relationships with individuals, told the Committee that, in their experience, it "is clear that this aim cannot be achieved without a radical shift in probation staff capacity."<sup>170</sup>

119. MTC told us that initially, the transition to the new model may exacerbate staffing issues, for a number of reasons, such as: "CRC employees who transfer will continue to hold their existing caseloads, which are higher than those of their NPS counterparts, for some time; While there's a commitment to recruit 1,000 new trainee Probation Officers by January next year, this will not solve the significant shortages of experienced employees in particular that will still be apparent at the point of transition."<sup>171</sup>

120. Katie Lomas, National Chair, NAPO, noted the knock-on effect the recruitment of 1,000 new probation officers may have on capacity within the probation service initially. Katie Lomas told us that while 1,000 new probation officers sounds good, they have to be recruited, trained and developed, which can take anywhere between 15 months and two years. Once qualified, there is a need to be developed and supported in the role, and she notes the lack of experienced staff available to support them, and those who are have high caseloads, sometimes working at 140% of their capacity.<sup>172</sup> She told us that:

the only place the practice training assessors who support people through their probation, training and qualification can come from is the pool of qualified probation officers. When you bring in 1,000 new recruits, you have to have more PTAs to support them. Those PTAs further diminish the number of qualified probation officers who are able to manage the workload.<sup>173</sup>

121. We spoke to witnesses with experience of being on probation, and they told us that probation officer caseloads were too high, resulting in each probation officer having less time for those they are supervising.<sup>174</sup> Phil, one of our witnesses, told us that, if there was one thing he could change about the probation service, it would be Probation Officers' caseloads. He stated that:

Each probation officer should only have a certain maximum of people, but you should mix their case loads. Don't give one probation officer all high-risk people, all medium-risk people or all low-risk people. You must mix them so that they get a marker of what is going on in the real world from all angles. If you have lower case loads, you are going to have to have more probation officers, but it is no good saying, "We'll give you 100 new probation officers by 2023." It is not in 2023 that they need them; they need them now. I don't know how you do that.<sup>175</sup>

122. Our witnesses with experience of being under probation supervision also told us about the importance of peer support and mentoring. Nadia told us that "there needs to be a lot more peer support"<sup>176</sup> and Phil; added that "It drives you crazy, because there is

170 Switchback (PRO0024)

171 Tom Yates (External Communications Executive at MTC) (PRO0032)

172 Q103 [Katie Lomas]

173 Q103 [Katie Lomas]

174 See: Q134 [Phil]; Q135 [Nadia];

175 Q131[Phil]

176 Q125[Nadia]



a peer support programme in preparation. They actually train people on probation to be peer supporters, but they do not use them. They refer them to another organisation that uses their lived experience in a different way. Why not use the people you are training up in the service you are training them up in? What was the point of the training?.”<sup>177</sup> Andy Williams, Head of Involvement, Revolving Doors, emphasised the importance of peer support, telling us that:

I echo everything that people said about peer support. Often, the issue with probation is engagement. Phil mentioned quite a few times that, if people are not ready to change or engage, that is something probation seems to struggle with. Having some element of peer support to be the mediator for the individual and help them access the service would be a big positive change.<sup>178</sup>

123. Amy Rees, Director General of Probation and Wales, HMPPS, agreed that probation caseloads are too high, and told us that the additional recruitment is designed to bring caseloads down, with the aim of bringing caseloads down by 20% on average in steady state by 2024–25.<sup>179</sup> Amy Rees further noted the rationale for this, telling us that:

As you can see from those figures, in theory, we are overstaffed in January already. As you know, it takes quite a while for a trainee probation officer to become a fully-fledged probation officer, and we accept that. At the same time, we expect that demand will not stay flat. In theory, if demand stays flat, we will get to the reduction in case load much sooner. If our predictions are right about how demand will increase, and how the 20,000 police officer recruits change things, we will stay at pace with that demand. We might at some point get ahead of it ... The only time we expect to get significantly ahead of demand is 2024–25.<sup>180</sup>

124. Updating the Committee on the progress of probation’s recruitment drive, Amy Rees told us that: “Five hundred are already in training. We already have a group of about 500 PQiPs in training. Another 500 have been through their assessments and are due to come online in January [2021].”<sup>181</sup> It is worth noting that newly qualified Probation Officers and those still in training should have smaller caseloads to facilitate learning, development and oversight.<sup>182</sup>

125. Additionally, Lucy Frazer, QC MP, then Minister of State for Justice, agreed that peer support and lived experience is “absolutely critical”, and went on to tell us about the MOJ’s commitment to employ more ex-offenders:

In any event, the Ministry of Justice needs to employ more ex-offenders. I have asked the Department to look at all our contracts to see how we can employ more ex-offenders through the private providers we contract with. I have talked about it specifically with Amy and Jim [Barton, Executive Director, Probation Reform Programme, HMPPS]. Amy has

177 [Q125](#)[Phil]

178 [Q159](#)[Andy Williams]

179 [Q173](#) [Amy Rees]

180 [Q206](#) [Amy Rees]

181 [Q204](#) [Amy Rees]

182 HM Inspectorate of Probation, [2019/2020 Annual Report: Inspections of probation services](#) (December 2020), p 17

committed to employing 150 ex-offenders in probation, which is a great start. On top of that, we will be taking forward from CRCs some fantastic programmes involving people with lived experience. We will not be losing those programmes. The more we can do to get people to be role models and support people, the better, and it is something I am absolutely committed to.<sup>183</sup>

126. Probation Officers are fundamental to the delivery of probation, and we recognise the important role they play in supporting offenders and protecting the public. The Probation Service has historically faced difficulties with staffing levels, which has resulted in Probation Officers having very high caseloads, affecting their ability to manage risk and support offenders to rehabilitate. The Committee welcome the commitment to an additional 1,000 probation officers, but remain unclear whether this is additional to the existing vacancies. *We recommend that the MoJ confirm whether the pledged 1,000 additional probation officers will be in addition to the 464 existing vacancies.*

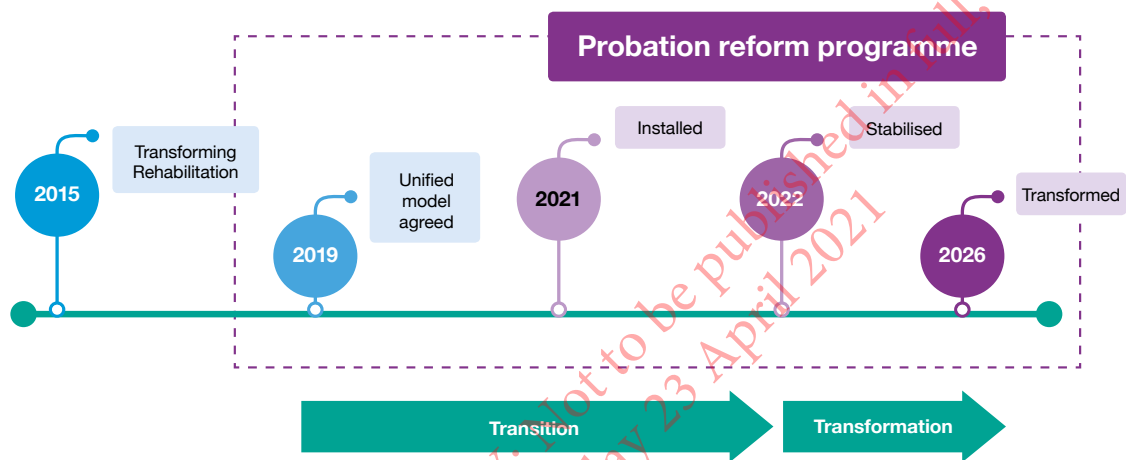
127. We recognise that newly qualified probation officers and those still in training need training, development and support, and should have smaller caseloads, but we are concerned that in the interim, caseloads for qualified probation officers will remain high. While we appreciate that many variables make setting a target caseload difficult, it is clear from Inspectorate research that caseloads of more than 50 affect the quality of work, and thus the ability of probation to meet the aims of rehabilitation and public protection. *We recommend that the MoJ commit to ensuring that individual caseloads do not exceed a baseline figure of 50. We recognise caseload numbers may fluctuate below this number, but they should not exceed it. The Ministry should also set out what work is being done to reduce caseloads, beyond the recruitment of additional probation officers and what support is available to staff with high caseloads, to ensure they are able to manage risk for all offenders in their caseload adequately.*

128. We are pleased to note the Ministry's commitment to employing more ex-offenders and welcome HMPPS' commitment to employing 150 ex-offenders in probation. *We recommend that the MOJ and HMPPS set out a detailed timeline for how it will recruit and deploy these ex-offenders.*

## 7 Transition

129. The new model of probation is due to go live in June 2021 and be fully embedded from 2022. The integration of sentence management in the NPS in Wales took place at the end of 2019. Figure 1 sets out HMPPS' high-level milestones for transitioning to the unified model. HMPPS "intend to end contracts [with CRCs] in summer 2021 when new arrangements for probation will come fully into effect. this will ensure a smooth transition, focussing on seamless continuity of public protection and rehabilitation in the community."<sup>184</sup>

Figure 1: High-level milestones for transitioning to the unified model



Source: HMPPS, [A Draft Target Operating Model for probation services in England and Wales](#) (March 2020), p 25

130. In its Target Operating Model, HMPPS says:

We will transfer to the new unified model on 26th June 2021 following the end of CRC contracts (Day 1). For Day 1, the aim is to maintain current operational delivery, protect service continuity and minimise risk of operational failures. This means minimising change for Day 1 and maintaining existing delivery models where feasible. We acknowledge that this may feel like a bigger change for those staff currently working within CRCs, particularly in relation to IT and systems which will largely be those utilised currently by the NPS. Once we have secured the smooth transition of services, post Day 1 we will phase in further changes that move us towards the target operating model.<sup>185</sup>

131. Jim Barton, Executive Director, Probation Reform Programme, HMPPS, told us one problem with Transforming Rehabilitation was that transition felt like a "big bang moment" over a weekend. Wherever possible this time, transfer activity would be completed ahead of June, such as with training, laptop provision or buildings. "Where it is necessary, we will—forgive the jargon—lift and shift existing CRC operating models, and run them as they are today for a period of time while we bed in post transition. For that

184 HMPPS, [A Draft Target Operating Model for probation services in England and Wales](#) (March 2020), p 24

185 HMPPS, [The Target Operating Model for probation services in England and Wales](#) (February 2021), p 24

reason, we see probation reform as a programme running for 12 months, post June next year, to complete that process”.<sup>186</sup> Figure 2, sets out HMPPS’s priority areas for continuity from Day 1.

Figure 2: Priority areas for continuity from Day 1

Process	People	Organisation	Digital, Data & Tech	Estates
Same tasks and activities carried out as pre-Day 1 wherever viable/appropriate.	The same people are carrying out the same jobs, in the same location, wherever viable/appropriate.  CRC staff will be transferred to the new probation service where they are in scope to transfer and meet the transfer criteria.	Teams follow same configuration and structure wherever viable/appropriate.  All operational line management structures will align with new regional senior leadership structures (down to Heads of Probation Delivery Unit tier).	We will have access to all relevant data.  We will not have the same current systems and equipment – we will have reliance on HMPPS systems, infrastructure/ devices only, not those currently used by CRCs, unless this is found to not be operationally viable for some processes/regions.	Probation staff will carry out their jobs in the same location wherever viable/appropriate.  There is no (or minimal) change to the location where supervised individuals report to their Probation Practitioner and attend placements and services.

Source: HMPPS, The Target Operating Model for probation services in England and Wales (February 2021), p 25

132. Some have questioned the ‘lift and shift’ approach being taking to transition; some CRC providers said the transition risks repeating some mistakes made during transition to Transforming Rehabilitation, such as inadequate and rushed planning, and immature operational designs. CRC providers say transition risks contain more hazards this time, as 21 different models and ways of work are being transferred into the NPS against the backdrop of Covid-19.<sup>187</sup> Sodexo told us:

There are at least 8 different operating models to insource (8 parents and the NPS) and variations in approach also exist between the different NPS regions. The Authority [Ministry of Justice] does not have a detailed understanding the operating models across all services and cannot therefore know the challenges and risks associated with getting from our respective and different models, to the new NPS Target Operating Model—which itself has not been deployed, and will require regional adaptations which are not yet designed. It is possible in theory and on paper to design a programme which delivers to a 12 month timeline, but in practice the delivery of such a programme cannot, in our view, be assured.”<sup>188</sup>

186 Q218 [Jim Barton]

187 See also: Seetec (PRO0010); Tom Yates (External Communications Executive at MTC) (PRO0032)

188 Sodexo (PRO0005)

133. Justin Russell, Chief Inspector of Probation, HM Inspectorate of Probation told us that the timeline for transition was ambitious:

The clock is ticking, and they have eight months to go till June next year. My own experience of leading big transition programmes is that there is an awful lot of detail that you have to get right. If you do not get it right, you have people turning up to work on day one whose IT systems are not working, who maybe cannot even get through the door and who do not have half the cases they are supposed to be bringing with them.

The critical things are that you need to make sure the people are coming across, that you have everyone in scope, and that you have sorted out terms and conditions, pensions and vetting and all the rest of it. You need to make sure that the IT and the data systems are right, because we are talking about 113,000 cases transferring into the National Probation Service, and you do not want to lose any of them on the way.

You need to make sure that you have sorted all the buildings and the accommodation. Purely sorting out the leases on tens or hundreds of buildings is a detailed and difficult task. There are some big things that need to happen between now and June.<sup>189</sup>

134. David Hood, Vice President of International Business, MTC, told us transition is difficult and complex; In addition to transitioning 21 CRCs (many with different models), the MOJ are also trying to deliver a Dynamic Framework in the context of Covid within a period of less than a year.<sup>190</sup> He said:

The approach the Department is trying to take, as I understand it, is to do what they refer to as lift and shift and, rightly, try to deliver a new model with as little disruption on day one as possible. The reality is that, when you look at our CRCs, they are not delivering a lift and shift. The case management system is a good example, because it is a fundamental tool that our staff use. It is very different from what the NPS uses. It took us well over six months just to roll it out and train staff on that new tool. It sits within a suite of other technologies that support operations and are delivering operations in the context of reduced staff numbers over the years. Combining all those things together, we are presented with a very difficult proposition to get all of it working in June 2021.<sup>191</sup>

135. Adam Hart, Chief Executive Officer, Reducing Reoffending Partnership told us that, at the point of taking evidence that they were three months into a 12-month expedited transition for June 2021: “it feels like we are trying to do a 12 to 18-month programme in the remaining 9 months” which “has to heighten the risk to public safety”.<sup>192</sup>

136. The Inspectorate of Probation noted that some CRCs are preparing staff well; for example, their inspection of Thames Valley CRC found that: “senior leaders have continued to invest in staff development. In some areas, for example the West Midlands, we found

189 [Q10](#) [Justin Russell]

190 [Q51](#) [David Hood] See also: [Q54](#) [Suki Binning]; [Q57](#) [Trevor Shortt]; [Q58](#) [Adam Hart]

191 [Q51](#) [David Hood]

192 [Qq58–59](#) [Adam Hart]



that NPS and CRC leaders are working well together to plan for the transition.”<sup>193</sup> HM Inspectorate of Probation are conducting a national thematic inspection into transition planning and managements, and will report this year.

137. Lucy Frazer QC MP, then Minister of State for Justice, believed there was sufficient time to transition to the new model:

The reason I say that is that we are already doing some of the work. [...] in February we are going to give everyone laptops and their digital systems. We are going to transfer ownership of the CRC leasehold buildings in January. We are taking steps now to make sure that the transition will be smooth, having learnt from what we did in Wales, so that staff will be ready to go in June. We are working very closely with the CRCs at the moment, and they are positively supporting us in our work.<sup>194</sup>

138. Jim Barton, Executive Director, Probation Reform Programme, HMPPS, told us: “We have made a very clear commitment to the trade unions, which the Minister has endorsed, that there will be no compulsory redundancies as a result of this programme for at least two years. Two years is a very long time in the probation service. It gives us plenty of time to work through transitional issues.”<sup>195</sup>

139. Voluntary sector organisations have also reported potential concerns about transition, particularly relating to TUPE arrangements. Nacro said: “We are concerned that local managers have not been given sufficient involvement in or knowledge of the changes for them to be able to successfully manage this transition. It is critical providers like us are engaged so we can advise our staff and service users.”<sup>196</sup> Catch 22 told us that there is a lot of uncertainty, clarity and anxiety on job security: “This is impacting attrition and means that we are losing a lot of expertise, creating further instability. We are still uncertain whether we will retain our existing staff or how many will be eligible for TUPE if we win a contract through the dynamic framework. This level of uncertainty makes it very difficult for us to plan.”<sup>197</sup>

140. Jessica Mullen, Director of Influence and Engagement, Clinks, emphasised the confusion many in the voluntary sector felt about transition, particularly in regard to TUPE arrangements, and which contract staff those may cover. HMPPS’s commitment to no compulsory redundancies for the first two years extends to voluntary sector supply chain partners, but lack of clarity remains over which voluntary sector staff are in scope, particularly where roles delivered currently intersect with what might be delivered in the new model (e.g., via the NPS or commissioned services).<sup>198</sup>

**141. Transition to the new model in the context of covid-19 presents a huge operational challenge, particularly for operating models, IT systems and building leases. The Ministry and HMPPS have assured us that work is under way to ensure transition is successfully and completed on schedule.**

193 Justin Russell (HM Chief Inspector of Probation at HM Inspectorate of Probation) ([PRO0008](#))

194 [Q216](#) [Lucy Frazer]

195 [Q211](#) [Jim Barton]

196 NACRO ([PRO0013](#))

197 Catch22 ([PRO0016](#))

198 [Q84](#) [Jessica Mullen]



142. *We recommend that the Ministry publish a detailed timetable setting out milestones towards transition, and we seek a monthly update on the progress made against those targets.*

143. **We are concerned to hear that some voluntary sector organisations do not feel sufficiently involved in the process to successfully manage transition.**

144. *We recommend that the MOJ and HMPPS involve voluntary organisations and CRCs in relevant communications relating to transition. We recommend that the MOJ clarify to relevant voluntary sector supply chain partners their position in relation to TUPE, including what staff members are eligible and what contract they fall into.*

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## Conclusions and recommendations

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### Transforming Rehabilitation and the Probation Reform Programme

1. A previous Justice Committee said in 2018 that the Transforming Rehabilitation looked unlikely ever to work. Time has proved our predecessors right. We welcome the Government's decision to reunify the Probation Service and to introduce a new probation reform programme, even if we must acknowledge how unsatisfactory it is that those working in the system must face more organisational change after six years of it and a 12-month period of coping with a pandemic. We thank the CRC providers for their work over the past six years, and recognise the positive work that has been done and the innovation CRCs have brought to the probation service during this time. (Paragraph 26)
2. This is the second major probation reform programme in the last five years. The unplanned-for effect of covid-19 has only added to the challenges the Probation Service faces. The lessons of the previous, failed reforms must be learned, and the new model must provide a lasting solution that allows some stability to a vital and hard-pressed service. (Paragraph 31)
3. As the then Minister of State, Lucy Frazer, acknowledged to us, one reason for the failure of the 2014–15 Transforming Rehabilitation reforms was inaccurate modelling of how much work, and therefore profit, would go to the private sector and third sector organisations allocated more than half the probation system's overall caseload to administer. The PAC, the NAO and other bodies, including a former Justice Committee, have highlighted how the 2014–15 reforms foundered on being introduced too fast and without sufficient planning or research into their impacts. (Paragraph 32)
4. *We welcome the decision to unify the Probation Service once more. We warn, however, that, after the disruption of the past seven years, changes proposed and begun to the probation system must be fully thought through, properly funded and expected to remain in place for a period of decades rather than months or a few years. We seek an assurance from the Ministry of Justice that the new reforms will do so.* (Paragraph 33)
5. There is cause for concern in the way that some goalposts have shifted as the new model has been developed. In particular, the decision to seek Probation Delivery Partners while the new model of delivery was still being developed had unfortunate consequences. Its subsequent cancellation caused significant disappointment to those private and third sector organisations whom the Ministry of Justice encouraged to put time and effort into making successful bids only to see the idea scrapped shortly afterwards. (Paragraph 34)
6. *The Justice Secretary, Robert Buckland QC MP, highlighted the role of covid-19 in requiring his decision to cancel the Probation Delivery Partner programme, but we must be concerned at any possible echo of a repeat of over-rapid, under-researched reform being introduced, at great cost and inconvenience, and then swiftly reversed when difficulties arise. We recommend that the Lord Chancellor and Secretary of State for Justice make it clear whether his cancellation of the Probation Delivery*

*Partner programme was a pragmatic decision as a result of the additional pressures raised by the covid-19 outbreak or a decision on principle to bring unpaid work and behavioural change programmes back within a unified national probation service for the long term. In particular, we invite him to confirm whether the Ministry plans to reconsider or revive a Probation Delivery Partner programme once the covid-19 pandemic has been contained. (Paragraph 35)*

7. *We recommend that the Ministry review its decision to seek partners while the new model was still being developed and to report to us on whether future procurement processes will prevent the cancellation of proposed new contacts at such a late stage in a process and after potential bidders have put considerable time and effort into nugatory bids. (Paragraph 36)*

### The Unified Model, Sentence Management and Advice to the Courts

8. *The new unified model has the potential to increase judicial confidence, through improved communication, sharing of relevant information and a more consistent offer of support. We recommend that the Ministry of Justice sets out how it will assess whether the new probation delivery model improves sentencer confidence, what criteria will be used to make that judgment, and what research will be undertaken, and data gathered. (Paragraph 44)*
9. *Confidence in non-custodial sentencing among judges and magistrates - and, by implication, the public - will rise only if the suitability and effectiveness of such sanctions are improved. More needs to be done to address the range of issues that cause offending and, in particular in this context, reoffending after both custodial and non-custodial sentences. The Police, Crime, Sentencing and Courts Bill currently progressing through Parliament offers a substantial opportunity to increase public confidence that those who offend are serving suitable sentences, in prison and afterwards or as community alternatives. We look forward to considering firm legislative proposals on sentencing, release, parole, probation, youth justice and the management of offenders as the Bill proceeds. (Paragraph 45)*
10. *We recommend that the MOJ sets out what other action is being taken to improve judicial and public confidence in sentencing, particularly for the delivery of community sentencing. We recommend that the MOJ sets out what criteria it uses to measure the effectiveness of community sentencing, including the effect on reoffending. (Paragraph 46)*
11. *Pre-sentence reports are an essential part of probation delivery and ensure that sentencers have the information necessary to make sentencing decisions that will ensure justice and support rehabilitation. We welcome the MOJ's commitment to improving pre-sentence reports and increasing their use under the new model and are pleased to hear that NPS capacity to prepare pre-sentence reports will be increased. (Paragraph 55)*
12. *We recommend that the Ministry of Justice set out how they intend to increase NPS capacity to prepare pre-sentence reports. The MOJ should also set out what work is being done besides this to improve the quality of pre-sentence reports, ensuring*

*that those completing them understand and convey to sentencers what the needs of the offender are, and what is available in the local community where a community sentence may be appropriate. (Paragraph 56)*

### The Dynamic Framework

13. We are pleased to hear that Ministry of Justice have taken steps to make the Dynamic Framework more accessible to smaller third sector organisations, and particularly welcome the consultancy support that the Ministry of Justice have funded or made available free of charge to some smaller organisations. There is concern, however, among smaller and third sector organisations that the ambition to include their expertise in the system may be defeated by complex processes that may favour larger bidders. We support the work the Ministry of Justice is doing to address those concerns. *We welcome the analysis the Department is undertaking on who is bidding under the Dynamic Framework and the issues arising from the bidding process, and we recommend that the Ministry of justice publish this analysis, alongside a plan of what measures will be taken to address any issues identified. (Paragraph 74)*
14. We welcome the work the Ministry is doing to feed into the Cabinet Office review of procurement and recommend that the MOJ update the Committee on the outcome of this review. (Paragraph 75)
15. Although we recognise that contract values and volumes are indicative, we share in the concerns expressed by some of our witnesses, that in some instances projected volumes are lower than those that various organisations are currently working with. Given that contract value is based on projected volume, discrepancies in these figures, may prevent organisations from participating in the Dynamic Framework. For those that do participate, underfunded contracts may cause financial and operational issues later down the line which could affect the quality of service provision. *The potential for contracts to be underfunded is of significant concern to the Committee and we recommend that The Ministry of Justice set out how they are modelling projected volumes and contract values, and also what is being done to ensure that contracts are sufficiently resourced and deliverable according to the funding that is available. (Paragraph 81)*
16. No system can function fully from Day 1, but it is vital that probation service provision be as effective as possible. We acknowledge the fears of organisations such as NACRO about implementation of the Dynamic Framework, but equally note the confidence of the then Minister of Justice that services will be appropriately provided from the first day. We note the disappointment of those who may be affected by a shift from local to regional provision but appreciate why that was necessary at a time of pandemic. It is to be hoped that the ambition of including more third sector and smaller organisations with valuable specialist skills will be fully achieved in the longer term. Even given the difficulties that have arisen in its delivery, the Dynamic Framework appears overall to offer a more localised approach to service provision than was previously available. *We recommend that the Ministry of Justice publish a commitment to ensure that procurement beyond Day 1 will take place at a more local than regional level wherever appropriate and where suitable services exist, to*

*ensure that the services procured meet specific local needs. We also recommend that the Ministry of Justice also keep and publish records of procurement at regional/local levels and the volume of work awarded to smaller providers. (Paragraph 86)*

17. So far as Day 1 provision itself goes, we have heard convincing evidence that some services may not be available straight away and are not clear what will be provided for those people who would use them. *We invite the Ministry of Justice to set out what initial provision will be offered on Day 1 to those who need financial, benefits and debt services no longer available, a need that may be exacerbated by the conditions created by the covid pandemic. We recognise that suitable services will be made available at a later date, but we seek clear information on when that will be. We recommend that the Ministry set out a post-Day 1 procurement timeline for services not in scope for Day 1. (Paragraph 87)*

### Through the Gate and the new Resettlement model

18. We welcome the additional investment the Ministry of Justice has made to improve Through the Gate service provision until existing contracts end. We are pleased that this additional investment has resulted in an improved service for those in need of resettlement support and we hope that the service continues to improve under the new model of probation. We particularly welcome the Ministry's intention to improve the integration between prison and community. All this being said, we have heard from several witnesses that the new resettlement model lacks clarity, with some uncertainty about how the model will be delivered in practice. (Paragraph 101)
19. *We recommend that the Ministry of Justice set out how they intend the new model to be delivered practically on a local level, and how the model will work alongside those services commissioned through the Dynamic Framework. The Ministry should detail how they will ensure the "in-reach" (pre-release contact between the probation offender manager and prisoner) aspect of the new model works in practice, considering challenges often faced in regard to security clearance, access to space and the operational capacity for prisons to deliver. (Paragraph 102)*
20. We note that the new resettlement model is being developed alongside the Offender Management in Custody (OMiC) Model. While we welcome both models, our inquiry has highlighted some concern that the OMiC model has not yet been fully rolled out across the prison estate, which could affect implementation and success of the resettlement model. *We recommend that the Ministry of Justice set out the status of roll-out of the OMiC model, including how many prisons are implementing the model fully, partially and not at all. Should the model not yet be fully implemented, we invite the Ministry to provide a timetable for its full roll-out. (Paragraph 103)*

### Workforce

21. Probation Officers are fundamental to the delivery of probation, and we recognise the important role they play in supporting offenders and protecting the public. The Probation Service has historically faced difficulties with staffing levels, which has resulted in Probation Officers having very high caseloads, affecting their ability to manage risk and support offenders to rehabilitate. The Committee welcome the



commitment to an additional 1,000 probation officers, but remain unclear whether this is additional to the existing vacancies. *We recommend that the MoJ confirm whether the pledged 1,000 additional probation officers will be in addition to the 464 existing vacancies.* (Paragraph 126)

22. We recognise that newly qualified probation officers and those still in training need training, development and support, and should have smaller caseloads, but we are concerned that in the interim, caseloads for qualified probation officers will remain high. While we appreciate that many variables make setting a target caseload difficult, it is clear from Inspectorate research that caseloads of more than 50 affect the quality of work, and thus the ability of probation to meet the aims of rehabilitation and public protection. *We recommend that the MoJ commit to ensuring that individual caseloads do not exceed a baseline figure of 50. We recognise caseload numbers may fluctuate below this number, but they should not exceed it. The Ministry should also set out what work is being done to reduce caseloads, beyond the recruitment of additional probation officers and what support is available to staff with high caseloads, to ensure they are able to manage risk for all offenders in their caseload adequately.* (Paragraph 127)
23. We are pleased to note the Ministry's commitment to employing more ex-offenders and welcome HMPPS' commitment to employing 150 ex-offenders in probation. *We recommend that the MOJ and HMPPS set out a detailed timeline for how it will recruit and deploy these ex-offenders.* (Paragraph 128)

### Transition

24. Transition to the new model in the context of covid-19 presents a huge operational challenge, particularly for operating models, IT systems and building leases. The Ministry and HMPPS have assured us that work is under way to ensure transition is successfully and completed on schedule. *We recommend that the Ministry publish a detailed timetable setting out milestones towards transition, and we seek a monthly update on the progress made against those targets.* (Paragraph 142)
25. We are concerned to hear that some voluntary sector organisations do not feel sufficiently involved in the process to successfully manage transition. (Paragraph 143)
26. *We recommend that the MOJ and HMPPS involve voluntary organisations and CRCs in relevant communications relating to transition. We recommend that the MOJ clarify to relevant voluntary sector supply chain partners their position in relation to TUPE, including what staff members are eligible and what contract they fall into.* (Paragraph 144)



# Formal minutes

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**Thursday 15 April 2021**

Members present:

Sir Robert Neill in the Chair

Rob Butler	Dr Kieran Mullin
Maria Eagle	Andy Slaughter
Kenny MacAskill	

Draft Report (*The future of the Probation Service*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 103 read and agreed to.

In the absence of the Chair, Maria Eagle was called to the chair.

Paragraphs 104 to 144 read and agreed to.

*Resolved*, That the Report be the Eighteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 apply to the Report.

[Adjourned till Tuesday 20 April 2021 at 1.45 pm]

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## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 22 September 2020

**Justin Russell**, HM Chief Inspector of Probation, HM Inspectorate of Probation [Q1–30](#)

**Suki Binning**, Chief Executive Officer, Kent, Surrey and Sussex Community Rehabilitation Company; **David Hood**, Vice President of International Business, MTC; **Adam Hart**, Chief Executive Officer, The Reducing Reoffending Partnership; **Trevor Shortt**, Director of Operations - Community, Sodexo [Q31–69](#)

### Tuesday 13 October 2020

**Laura Seebohm**, Executive Director, External Affairs, Changing Lives; **Jessica Mullen**, Director of Influence and Communications, Clinks; **Mat Ilic**, Chief Development Officer, Catch22 [Q70–85](#)

**David Lloyd**, Police and Crime Commissioner for Hertfordshire, Association of Police and Crime Commissioners [Q86–94](#)

**Ian Lawrence**, General Secretary, Napo; **Katie Lomas**, National Chair, Napo; **Ben Priestley**, National Officer for Probation, UNISON [Q95–104](#)

### Tuesday 08 December 2020

**Eden-Rose**, Revolving Doors; **Liam**, Revolving Doors; **Nadia**, Revolving Doors; **Phil**, Revolving Doors; **Andy Williams**, Head of Involvement, Revolving Doors [Q105–161](#)

**Lucy Frazer QC MP**, Minister of State, Ministry of Justice; **Amy Rees**, Director General of Probation and Wales, HM Prison and Probation Service; **Jim Barton**, Executive Director, Probation Reform Programme, HM Prison and Probation Service [Q162–221](#)

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## Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

PRO numbers are generated by the evidence processing system and so may not be complete.

- 1 Association of Police and Crime Commissioners ([PRO0017](#))
- 2 Billings, Dr Alan (Police and Crime Commissioner, Police and Crime Commissioner for South Yorkshire) ([PRO0003](#))
- 3 Lyon CBE, Juliet (Chair, Independent Advisory Panel on Deaths and Custody) ([PRO0029](#))
- 4 Catch22 ([PRO0016](#))
- 5 Centre for Justice Innovation ([PRO0027](#))
- 6 Changing Lives ([PRO0026](#))
- 7 Clinks ([PRO0015](#))
- 8 Hirst, Roger (Police, Fire and Crime Commissioner for Essex , Police, Fire and Crime Commissioner for Essex) ([PRO0009](#))
- 9 Ilic, Mat (Chief Development Officer, Catch22) ([PRO0035](#))
- 10 LandWorks ([PRO0011](#))
- 11 Magistrates Association ([PRO0019](#))
- 12 Maslaha ([PRO0023](#))
- 13 Miles, Sara (Criminal Justice Policy & Research Manager, Office of the Police and Crime Commissioner for Hertfordshire) ([PRO0028](#))
- 14 Ministry of Justice ([PRO0033](#))
- 15 Mulligan, Julia (Police, Fire and Crime Commissioner for North Yorkshire, Office of the Police, Fire and Crime Commissioner for North Yorkshire) ([PRO0007](#))
- 16 Munro, Mr David (Police & Crime Commissioner for Surrey, Surrey OPCC) ([PRO0004](#))
- 17 NACRO ([PRO0013](#))
- 18 Napo ([PRO0031](#))
- 19 Office of the police and Crime Commissioner for Gloucestershire ([PRO0006](#))
- 20 Parsons, Dr Julie (Associate Professor in Sociology, University of Plymouth) ([PRO0012](#))
- 21 Revolving Doors Agency ([PRO0030](#))
- 22 Russell, Justin (HM Chief Inspector of Probation, HM Inspectorate of Probation) ([PRO0008](#))
- 23 Seetec ([PRO0010](#))
- 24 Shepherd, Professor Jonathan (Professor, Crime and Security Research Institute, Cardiff University) ([PRO0002](#))
- 25 Sodexo ([PRO0005](#))
- 26 Switchback ([PRO0024](#))
- 27 The Howard League for Penal Reform ([PRO0014](#))
- 28 UNISON ([PRO0018](#))

- 29 Unlock ([PRO0022](#))
- 30 User Voice ([PRO0025](#))
- 31 Yates, Tom (External Communications Executive, MTC) ([PRO0032](#))
- 32 Cracknell, Dr Matt (Lecturer, Middlesex University) ([PRO0020](#))

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# List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

## Session 2019–21

Number	Title	Reference
1st Report	Appointment of Chair of the Office for Legal Complaints	HC 224
2nd Report	Sentencing Council consultation on changes to magistrates' court sentencing guidelines	HC 460
3rd Report	Coronavirus (COVID-19): The impact on probation services	HC 461
4th Report	Coronavirus (Covid-19): The impact on prisons	HC 299
5th Report	Ageing prison population	HC 304
6th Report	Coronavirus (COVID-19): The impact on courts	HC 519
7th Report	Coronavirus (COVID-19): the impact on the legal professions in England and Wales	HC 520
8th Report	Appointment of HM Chief Inspector of Prisons	HC 750
9th Report	Private prosecutions: safeguards	HC 497
10th Report	Sentencing Council consultation on sentencing guidelines for firearms offences	HC 827
11th Report	Sentencing Council consultation on the assault offences guideline	HC 921
12th Report	Children and Young People in Custody (Part 1): Entry into the youth justice system	HC 306
13th Report	Sentencing Council: Changes to the drugs offences definitive guideline	HC 751
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9th Special Report	Children and Young People in Custody (Part 1): Entry into the youth justice system: Government Response to Committee's Twelfth Report	HC 1185
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