



Meeting: Communities Scrutiny Panel Meeting

Date: 31st March 2014

Report Title: Transforming Rehabilitation - A Strategy for Reform

Report of: The Head of Community Safety

Purpose: To outline the changes to rehabilitation and Probation services as a result of the 'Transforming Rehabilitation - A Strategy for Reform'

Summary: Transforming Rehabilitation - A Strategy for Reform sets out the reform rehabilitation and probation services to deliver the extension of supervision and rehabilitation services to offenders with sentences of less than 12 months who do not currently receive statutory supervision from the probation service. In order to afford the extension of supervision offender management services for low to medium risk offenders will be subject to competition through commissioning the majority services to Community Rehabilitation Centres (CRCs) from private sector and voluntary providers who will be paid by results in reducing reoffending.

A new National Probation Service will be created to supervise high risk offenders and be responsible for taking action where lower level offenders breach the terms of their licence or community order. These reforms will be supported by the realignment of the prison service to designate new local resettlement prisons to meet the needs of offenders returning to the community. The extension of supervision to non statutory offenders is also long overdue as these offenders currently have no statutory licence or rehabilitation provision but have the highest reconviction rates.

However, given that the core remit of the Probation Services is to deliver offender management and rehabilitation through the supervision of offenders to prevent reoffending the proposed changes and especially the proposal to commission probation and rehabilitation services from private sector and voluntary providers at the national level raises a number of serious concerns.

Legal/Financial Implications: N/A – For Information Only

Recommendations: N/A – For Information Only.

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1.0 **Background**

1.1 In May 2013 the government published '*Transforming Rehabilitation - A Strategy for Reform*' which set out its plans to reform rehabilitation and probation services through the delivery of the following core changes which will be 'live' by autumn 2014.

- The planned extension of supervision and rehabilitation services to offenders with sentences of less than 12 months (non-statutory offenders) who do not currently receive statutory supervision from the probation service.
- In order to afford the extension of supervision to non-statutory offenders the provision of offender management services for low to medium risk offenders will be subject to competition, through commissioning the majority of probation and rehabilitation services, to Community Rehabilitation Centres (CRCs) from private sector and voluntary providers who will be paid by results in reducing reoffending.
- A new National Probation Service will be created to supervise high risk offenders. It will be responsible for taking action where lower level offenders breach the terms of their licence or community order, including missing appointments, refusing to engage with their rehabilitation, or drug taking.
- These reforms will be supported by the realignment of the prison service to designate new local resettlement prisons. The same providers who will be working with offenders in the community will work with them for three months before release. Each contract package area will be assigned a small number of designated 'resettlement prisons' which will release the vast majority of offenders to that area.

1.2 Since April 2010, Community Safety Partnerships (CSP) have held a statutory responsibility for reducing re-offending with Probation Trusts becoming responsible partners. Following the Strategic Assessment of Crime and Disorder and development of the Community Safety Partnership Plan 2013-17 the Haringey CSP, informed by the recent drive from the Mayor's Office for Policing and Crime (MOPAC) and the emerging Policing priorities, clearly identified the development of the Partnership's response to reduce re-offending as a key priority and recognised that creating an enhanced Offender Management structure was paramount for the partnership to be successful.

1.3 As a result the Offender Management (OM) delivery model and structure in Haringey is undergoing a period of significant change funded through a combination of successful bids to the Mayor's Office for Policing and Crime (MOPAC) and pooled partner agency funding. The OM Partnership initiative is delivered through a single cutting edge co-located multi agency Offender Management Unit. Full co-location of the team was achieved in January 2014, The Unit consists of Police, Probation, Council, Drug Intervention Programme, Gang Exit Team and other Pathway Partners linked to the Integrated Gangs Unit, Youth Offending Services, the Secure Estate, Domestic Violence, Mental Health, Housing, Job Centre plus and voluntary sector providers delivering services to a cohort of the most prolific and problematic offenders.

2.0 **Impact of Proposed Changes**

2.1 London boroughs have been pushing for local resettlement prisons to meet the needs of offenders returning to the community with full access to information and liaison for 'through the gate services'. The extension of supervision to non statutory offenders is also long overdue as these offenders currently have no statutory licence or rehabilitation provision but have the highest reconviction rates with 58% reoffending within 12 months. We would therefore fully support these proposals.

2.2 The core remit of the Probation Services is to deliver offender management and rehabilitation through the supervision of offenders to prevent reoffending with the level of supervision based on an assessment of risk of harm. The proposed changes to the Probation Services and especially the proposal to commission the majority of probation and rehabilitation services from private sector and voluntary providers at the national level raises a number of serious concerns.

- Future CRC 'Probation' providers will be free to design their own programme of activity to secure reductions in reoffending with minimal instruction from government. The providers will be contracted on a payment by results basis with short term contractual milestones as well as the longer term reducing reoffending targets.
- The IOM Partnership would potentially have to deal with multiple contracted private sector agencies/subcontractors with different self derived services delivered at the lowest cost to meet short term targets.
- The new providers would have no local accountability. There is no proposal that they would be a statutory or other CSP Partner with a high risk of cost shunting and/or reduced delivery if they are not required to engage. This could include withdrawal from critical offender management partnership teams.
- As any medium/low risk offender who breaches their conditions will be referred to the new National Probation Service, the commissioned providers are highly likely to seek recall of offending or problematic clients, in order to hit the short term targets. This will place unsupportable and unfunded resource pressure on Probation and the local authorities. This will also lead to tensions between the CRC's and Probation in terms of acceptance or refusal of recall submissions for offenders who do not present a high risk of harm.
- The current relationship with Probation, who would inevitably have significantly reduced resource, a reduced remit and significantly changed structures, would inevitably be detrimentally affected.

3.0 **Current Progress and Timetable**

3.1 London Probation has worked with the Met Police to develop their Reducing Reoffending Strategy. The strategy sets the methodology by which the Offender Management cohort is identified. This will then be used to assess the number of individuals within the cohort through the use of a fixed Offender Group Reconviction Scale (OGRS). In dictating the methodology, and hence the numbers of offenders who would fall within the remit of the CRC's and NPS in each borough, the resource required to manage the offending cohort by both Probation staff (for high risk) and the commissioned services (for medium and low risk) has been set with no reference to local circumstances. This has then been used to commission the new outsourced offender management services and set the local Probation provision.

3.2 The latest stage in the Transforming Rehabilitation competition has been a 'bidder refresh' where bidders who have pre-qualified to take part express a preference for one or more Contract Package Areas or 'lots'. London forms a single Area. During February, the Local Competition Team, in collaboration with the Mayor's Office for Policing and Crime (MOPAC) and London Councils, has facilitated five events for those bidders who have pre-qualified for London. These events have been designed to provide insight into London – its landscape, operations, partnerships, challenges, priorities and opportunities.

- 3.3 The events focus on: Strategy and aspirations of key criminal justice partners plus introduction to borough profiles; Partnerships, commissioning and integrated services; Resettlement prisons; Short term sentenced prisoners and youth transition; Females, families and health and feature. The aim of the events has been to influence bidders in their operational design and bids for an effective service solution for London.
- 3.4 The current bidders who have pre-qualified and who have expressed a preference for the London Contract Package Area are as follows:
- Capita
 - CRR (Carillion, Reed In Partnership, and Rehabilitation for Addicted Prisoners Trust - RAPt)
 - MTC Amey.
- 3.4 The Community Rehabilitation Centres (CRCs) who will manage low/medium risk offenders and our OM cohort and the new National Probation Service will be responsible for managing the MAPPA/high risk cohort from the 1st June 2014 (slipped from 1st April 14). Further national and local one-to-one bidder 'dialogues' throughout March to June will help refine bidders' understanding of the competition requirements. Another bidder refresh opportunity will be offered to all pre-qualified bidders in due course meaning the bidders listed above could change their preference and other pre-qualified bidders could opt for London.
- 3.5 All Probation staff groups have now been assessed and assigned to either the National Probation Service (NPS) or the London Community Rehabilitation Company (CRC) and, subject to the conclusion of the appeals process, the staffing allocation for the NPS and the CRC in London is now finished. Staff appointed to the National Offender Management Services (NOMS) roles will be treated as new entrants to the Civil Service. Staff appointed to NPS Hub roles will transfer to NOMS as part of the Staff Transfer Scheme. Those staff allocated to the CRC's will transfer to the new London CRC Company.
- 3.6 The process for caseload transfer between the two organisations has been agreed and by 1 June all offenders will be allocated to their offender managers within either the National Probation Service (NPS) or Community Rehabilitation Company (CRC) in both case management systems (nDelius and OASys) with the exception of those cases deemed as 'critical cases'.
- 3.7 While 1 June has been agreed for the CRC/NPS 'go live', the competition timeline remains on target. During February to June, there will be significant national and local engagement with bidders. Tender responses are still expected to be received in June with the evaluation carried out over the summer with the formal contractual split taking place from October 2014.
- 4.0 **Impact on Haringey Offender Management**
- 4.1 The Haringey OM programme is receiving widespread recognition as a cutting edge model and we are being engaged with and monitored by the Met Police, Probation etc as we are seeking to join our offending cohorts, including gangs, within a single OM programme delivered through a co-located multi agency unit. A recent IOM stocktake by the Policing College described Haringey's approach as 'innovative' in terms of the thinking behind the OM partnership and how the cohort and strategic programme is being developed. The findings stated that the model put in place was impressive in terms of the level of co-location and engagement of partner agencies services across the multi agency delivery process.
- 4.2 The co-location of partner agencies to deliver enhanced Integrated Offender Management and Gangs teams is considered best practice by the Home Office and MOPAC, and has been written into MOPAC Gangs and IOM guidance as a best practice case study. It is the first of its

kind in the MPS to allow the partner agencies, IOM and Gangs teams to work together within a single offender management programme, working to a single cohort, with clearly identified referral pathways and targeted support services. This reduces duplication of work across the partner agencies, delivers enhanced capacity and information sharing, efficiency and value for money by focusing resources on the offenders who cause the most harm and encouraging and enabling innovation and joined up working in the management of offender risk and need.

4.3 In the short term up to June 2014 and the medium term up to October 2014 the position in terms of resourcing and operational delivery will remain. There are limited immediate implications for the Offender Management Unit although the staff and case management will be split between the two providers. Probation currently provide a Senior Probation Officer seconded into the co-located OM Unit, 2 Probation Officers dealing with statutory IOM offenders, 1 Probation officer dealing with non-statutory IOM offenders and administrative support. All of the officers dealing with the IOM cohort have automatically been allocated to the CRC's and as such there should be no long term detrimental impact.

4.4 However, the methodology set within the London Reducing Offending Strategy to define the IOM cohort is that offenders will have an OGRS threshold score of 75+ and those with a score of 50 – 75 with a robbery or burglary offending profile and only applies to those over 18yrs old. There are significant concerns in terms of the potential impact of identifying the numbers within the IOM cohort and the resource requirement of local partner agencies with regard to the Offender Management Partnership in Haringey in that;

- It will potentially set the number of Probation, Police and Offender Management resource required for the borough potentially leading to a significant withdrawal of resource within the CRC's to provide the minimum level required to manage the identified cohort.
- This, together with the potential impact of the payment by results contract, will inevitably place a potentially huge cost and resource burden on Haringey in order to support the enhanced referral and support programs previously provided by probation.
- This does not match the local IOM model which as well as the standard 75+ OGRS offenders will target young people age 11 – 25 at risk from gang affiliation who will not score within the system, female offenders who generally score well below the stated threshold, youths who are under 18 or any wild card individuals who fall outside the OGRS scoring for technical reasons.
- There is no recognition within the dictated model of local priorities, gangs involvement, youth offending or other offending profiles and crime priorities within the MOPAC 7 other than robbery and burglary.
- The basis on which the IOM MOPAC bid improvement programme and targets are set and achievement of the continued funding is therefore at risk.
- The Gang Exit/Integrated Gangs Unit initiative is a core IOM priority in Haringey but is not supported by the proposed model.
- There are concerns that the current performance of Probation in Haringey, see Appendix 1, which is currently very good, will not be maintained due to the split between the two providers, the tensions this will create as described above and the fact that the CRC's will be on a payment by results model and will therefore chase short term targets.

5.0 **Conclusion**

- 5.1 The reforms to rehabilitation and probation services will deliver the extension of supervision and rehabilitation services to offenders with sentences of less than 12 months who do not currently receive statutory supervision from the probation service. It will also realign the prison service to designate new local resettlement prisons. These proposals are fully supported and long overdue. However, the proposal to commission the majority of probation and rehabilitation services from private sector and voluntary providers at the national level raises a number of serious concerns.

Snapshot of Probation Performance 2013/4

| <u>Measure</u> | <u>Performance</u> | <u>Target</u> | <u>RAG Status</u> |
|---|---------------------------|----------------------|--------------------------|
| <u>Probation Trust Rehabilitation Measures</u> | | | |
| Accommodation at termination | 84.5% | 80% | |
| Employment at Termination | 54% | 51% | |
| Local Adult Reoffending | 7.9% | N/A | N/A |
| Mappa Effectiveness | 99.1% | 95% | |
| OASys QA Quality | 88.1% | 90% | |
| Offender Feedback | 70% | 70% | |
| Orders and Licenses Successfully Completed | 78.9% | 80.0% | |
| Victim Feedback | 94.3% | 90.0% | |
| <u>Contract Measures</u> | | | |
| Court Report Timeliness | 96.6% | 95% | |
| ATR Completions Against target | 100% | 100% | |
| Court Reports Completed | 100% | 100% | |
| DRR Completions Against Target | 97.1% | 100% | |
| Enforcement (All breaches) | 91.4% | 91% | |
| Mental Health Requirements against Target | 100% | 100% | |
| OASys Starts | 88.2% | 90.0% | |
| Enforcement | 94.5% | 94% | |
| Generic Parole Process | 90.1% | 85% | |
| License Recall Requests | 94.6% | 91% | |
| OASys Final Reviews | 88.5% | 90% | |