

CATCH22 RESPONSE TO THE TRANSFORMING REHABILITATION CONSULTATION

September 2018

Catch22 is a national charity and social business that designs and delivers public services that build resilience and aspiration. Our 1800 staff and volunteers work at every stage of the social welfare cycle, supporting 128 communities across the UK.

Today Catch22 works across 23 prisons and youth offending institutes across the UK, working with over 50,000 people in the justice system: prisoners, people on probation and victims of crime. We are a Tier 2 provider of offender management, resettlement and specialist support services in public and private prisons including HMP/ YOI Feltham, HMP Doncaster, HMP Leeds, HMP Thameside, HMP Isis and in the community. We deliver Transforming Rehabilitation through three Community Rehabilitation Companies.

Because Catch22 also provides children's social care, alternative provision education, apprenticeships and routes to employment, our work in prison and probation is informed by our understanding of the whole system: the barriers to rehabilitation and the opportunities to intervene early.

We work hard to be innovative, and our programmes win awards. We care about giving people with convictions a better future, but also supporting victims, alongside Police and Crime Commissioners in areas including London, Leicestershire, Nottinghamshire and Hertfordshire.

Our vision is a strong society where everyone has a good place to live, a purpose and good people around them. As an organisation our principal aim is to help reform public services so that everyone can achieve these things.

Using our experience of delivering public services, including our work in Transforming Rehabilitation, we have defined three guiding principles for good public services, explained here in the context of probation delivery:

1. **Being more human.** Building services around people, moving away from bewildering bureaucracy and transactional systems where the focus is on paperwork over people.

2. **Unlocking capacity.** Individuals and communities have potential that can be identified and enhanced through volunteering, transparency and openness of statutory systems and philanthropic funding. There are countless rehabilitative charities delivering excellent services and measurable outcomes. Effective public services are a partnership between statutory services, charities, communities and individuals. Effective commissioning enables each part of society to do what it does best; for charities, this is focusing on the needs of an individual, building relationships and delivering outcomes that work for communities.

3. **Local accountability through different governance models.** Probation services must be accountable and integrated in the communities they serve. This must be driven by local commissioning and devolved budget management, to Prison Governors, Police and Crime Commissioners (PCC), level or below.

In summary:

- We must incentivise seamless Through the Gate services: horizontal, high quality, relational, community-owned and delivered. Radical transparency of budgets, performance and impact is one way to achieve this.
- Procurement needs to be enabling: less rigid and risk averse, inviting innovation and the right sort of risk.
- Ensure that the voluntary sector (VCS) and SMEs are not excluded for technocratic non-compliance, or a central misunderstanding of what risk entails. We must assign risk to the people with the most direct accountability and control over that risk: compliance to Whitehall, safety and security to the frontline.
- Consider small regional TR2 pilots to test new approaches and justice reinvestment, inviting local partners, PCCs and VCS.
- Contracts and bidding processes needs to reflect true cost and value (including social and future cost), to avoid unachievable payment mechanisms – we must learn the lessons of Carillion.
- We must seek to re-invest incarceration costs earlier to provide more positive and lasting outcomes; the cost of a prison place, invested earlier in the process, will deliver significantly more public value.

- We must measure the right thing. We often measure rates of reoffending, but this by itself is not enough. Let's measure what matters; whether people have a good place to live, good people around them, and a purpose; a long term job or education. Let's begin to measure a reduction in needs, a move out of crisis to stability for both individuals and the system. By measuring how well we're tackling the underlying causes of offending, we'll positively impact on the rates of reoffending.

For more information on our work, or on the proposals included in this response, please contact Peter Jones, Justice Reform Director, on peter.jones@catch-22.org.uk.

This consultation response is structured in the following way:

1. Overview of the current landscape and model
2. Proposed model: unlocking community capacity

1. Overview of the current landscape and model

- **A fragmented system:** The TR commissioning and contractual frameworks fragmented the previous system, but without reaping the benefits of more diversity and devolution. Operational frontlines were separated, but central prescription and hierarchies remained. This meant the crucial 'horizontal' networks of information and relationships were made more difficult, limiting locally responsive decision-making, speed of decisions, and variation in accordance with local need.
- **Regional and quality disparity:** Resettlement services nationally are delivered very differently across the 21 Contract Package Areas (CPAs). Some supply chain organisations are relatively new to working in custodial environments, working very prescriptively to Schedule 7 delivery requirements and contracts.
- **Technology as a block to effective rehabilitative relationships:** Many Community Rehabilitation Companies (CRCs) have a supply chain offer that simply works "to the gate" and not "through the gate." A seamless journey between custody and community is not supported due to the requirement for each CRC to develop its own I.T. system. Many I.T. systems are undeveloped, do not speak to one another and remain unable to form the link between custody to community due to data protection regulations.
- Transient prisoner populations limit the impact of all positive intervention. We must have systems that align region to region and are able to transfer prisoner information to community teams upon release. The allocated Responsible Officer in the community must have immediate access to information about risks, needs, vulnerabilities and resettlement plans.
- **Hitting the target, but missing the point:** A 'One size fits all' offer fits no one. Contracts are highly specified and over prescribed, driving a schedule of rigid and inflexible resettlement services. We might deliver a 100% compliant service and

entirely hit the target; but we're missing the point and missing the true opportunity to rehabilitate. There is currently an immediate break point between the completion of the BCST 1 and 2 in both the process and the case owner. This is such a crucial stage of the relationship building journey when the person being assessed is at their most vulnerable, and needs relational continuity.

- **Measure the right things:** There is a heavy focus on completion of BCST 2 assessments and resettlement plans. These are process measurements, which drive inefficient and ineffective behaviour, and have little influence or relationship to good resettlement outcomes. A more simple set of measures (does this person have something to do, somewhere to live, and good people around them) would incentivise us to focus on quality and outcomes.
- **Little local power:** Governors/Prison Directors have little/no control of the services that are delivered within the establishments for which they are responsible, nor the resettlement pathways that underpin/link to this vital function.
- **Offer core sentence support:** The current model places significant focus on start sentence and pre-release activity, with little core sentence support offered within the current model. In our experience, this is where ongoing support is needed the most. Little emphasis is placed on maintaining progression and engagement within a complex and challenging environment which is difficult for many offenders to navigate to get the support they need, particularly across the training estate.
- Displaced prisoner populations (e.g. sex offenders) exacerbate the current position through lack of tailored resources, making it hard to either meet core sentence planning or resettlement needs.
- **To support a flexible probation service, commissioning must think flexibly:** A few core assumptions of the TR competition meant that many organisations which should have been eligible were not. MoJ commissioning processes find comfort in volume, scale and size of balance sheet, as proxies for ability to manage financial and compliance risk. This is a myth of course, as the Carillion collapse illustrates. It's increasingly evident that there is a greater risk to Government being in hock to a smaller number of big providers. People on probation are being supported best by small, nimble, flexible teams, because that's where relationships are built and sustained.

- **Manage risk at the right level:** In our experience people manage risk best when they are directly and immediately affected by it. At the moment all the risk of non-compliance with process is with the contracted organisation, but all the risk of security and safety of humans is with Whitehall officials. This needs to be reversed. People take good decisions when they are personally accountable.
- **Use commissioning to drive collaboration:** Centrally managed commissioning is unable to link resettlement services, missing opportunities to align probation to the contracting of the Prisoner Education Framework, Offender Management in Custody Review (OMiC), NOMS CFO Initiatives.
- **Create a self-improving system:** If contractual frameworks specified outcomes and principles, not process, and worked from a basis of trust and good intent rather than designed in the assumption of their opposite, Ministers and MoJ officials would create a 'self-improving' system and unlock latent capacity and potential. If the ultimate goals are clear and non-negotiable, and performance is transparent and comparative, both the private and the not for profit sector will seek better, more effective and efficient, ways of doing things.

For example, Catch22 also provides gang and violence reduction services, restorative justice, apprenticeships and more. We have a diverse national presence, 'cradle to career', and local depth and breadth. Within the current tightly defined TR contracts we are unable to join up these teams and work across contracts. TR design and commissioning broke the link between offender management within the prison and resettlement, the true through the gate continuity: one conversation, one assessment, one worker.

- **Design a system that follows the needs of prisoners:** Commissioning should follow the needs of prisoners at each stage of the journey. Prison resettlement services nationally lack the ability to innovatively respond and flex to local needs (as they might change). We must tailor the establishment offer in alignment to meet the needs of the local reducing reoffending analysis.
- **Consider the 'true cost' of contracts:** Commissioning should prioritise 'justice reinvestment' models whereby contractual arrangements ensure savings are retained for continuous improvement. The Social Value Act gives a clear mandate for this.

This is Catch22's entire business model, and that of other not for profits, 'B-Corporations', or Social Businesses. No shareholders should be getting rich on the state's duty to keep people safe and secure, but nor should ideological assumptions influence decisions over who is best placed to provide all the complicated elements of managing prisons and probation. To this end, true cost of contracts and true value of proposed delivery should be considered and compared by experts in complex social and behavioural economics, not commissioning generalists.

2. Proposed model: Unlocking community capacity

There is little public, political or sector appetite for further change and disruption. This should not entail us accepting the status quo, and emergence of a 'Probation Provider' bloc of outsourced primes. We have an opportunity to quietly test new approaches at local and regional level, as an evolution of the current framework, differently procured, which would encourage new entrants and innovation.

The next two years

- Government investment over the next two years into an enhanced suite of Schedule 7 CRC resettlement services is positive but risks propping up the current model. A better use of the money would be to change resettlement paths as outlined above, incentivise and new approaches, bringing the VCS closer and strengthening the supply chain.
- As CRCs enhance resettlement they must also integrate with custodial and community organisations.
- The enhanced resettlement offer is a great opportunity to test new approaches through small scale targeted pilots. The e Police, Courts, CRCs/NPS and VCS can all work together to test targeted pilots at all stages of the criminal justice cycle that offer accessible and impactful points of intervention.

A long term view: what does good look like?

- It appears that Community Rehabilitation Company delivery will be reduced from 21 to 10, aligned with current NPS regions.

There is a clear way to commission local services in a way that unlocks the capacity of the voluntary sector: through Police and Crime Commissioners. This commissioning could build on existing devolved administrations and devolved budgets across Metro Mayors, Clinical Commissioning Groups and Local Authorities. Government should set outcome standards and 'step-in' terms, and performance transparency, but let local partnerships determine the means.

- The blending of existing, siloed pots of funding – often targeted towards exactly the same cohorts, but commissioned, delivered and measured separately – would create both cost savings and improved outcomes. There is precedent for this approach, both across Local Authority work and in probation; pre 2000, Local Authorities contributed to the funding of probation budgets, financing up to 20% of annual cost.
- In the attached (Figure 1) we have suggested how funding could flow, from Central Government through to community rehabilitative outcomes.
- The most effective way to keep communities safe in the long term and prevent reoffending is to divert people from prison in the first place. Good alternatives to prosecution and custody can be the most effective, efficient, and moral elements of a trusted criminal justice system. Evidence suggest the following, low risk groups can be better rehabilitated within the community:
 - Female Offenders
 - Young People
 - Short Sentenced Offenders/Short Sentenced Recalls¹
 - People with mental health problems
 - People with substance misuse problems or addiction

¹ A significant amount of prison recalls have either diagnosed or un-diagnosed learning needs/head trauma, ASD, ADHD, Asperger's. Complex post sentence supervision means they fail to understand, yet alone comply, with periods of supervision or licence yet we re-call and further fail them.

- These are the cohorts that we believe are best placed to be supported through a CRC model. Attached (figure 2) explains how.
- **Alternatives to prosecution:** Police Officers are increasingly expected to be social workers in busy custody suites, delivering the same rigid compliance with much less resource. As such, people are being diverted into parts of the criminal justice system that may manage the immediacy of the situation, not necessarily the right solution that provides the best positive long term outcome.
- Alternatives to prosecution should include enhanced 'Liaison and Diversion' to address the needs of vulnerable people in home communities, not custody. Catch22 has developed models that provide earlier upstream support, addressing the needs of those that fall into this gap and often quickly escalate towards a custodial sentence. The work of Checkpoint (commissioned by the Durham PCC) provides evidence of success using this approach, e.g. preventing one week sentences for female offenders for non-payment of TV licence.
- **Alternatives to custody:** One of the most limiting aspects of Whitehall commissioning as an industrial process is the way it 'locks in' the status quo, and all the perverse incentives that keep people within a failing system. There is currently no incentive – or scope – for anyone or any organisation involved in delivering statutory elements of the criminal justice process to explore alternatives to custody. An expectation of justice reinvestment could allow this to happen, by allowing us to involve Police and Crime Commissioners, Mayors, Magistrates, and Local Criminal Justice Boards.
- This would encourage new ideas for repeat offending and recalls, for liaison and diversion, problem solving courts, the involvement of health and education partners, for female and young offenders. For example, Catch22 are designing models that would sit as a deferred sentence providing a credible community option for Magistrates. With less prescription and an appetite for innovation, MoJ could incentivise bidders to consider the possibility of HMCTS' Single Justice Programme (SJP) process for diverting young people from ineffective short sentences
- Existing tools could also be used far more effectively. In 2014, Rehabilitation Activity Requirements (RARs) were introduced, a single new requirement that was designed to give greater flexibility to providers of probation services to determine the rehabilitative interventions that they deliver. However, HMI Probation reports have

found them used inconsistently across regions, often used incorrectly in place of accredited programmes. With some thought, RARs could be used to shape and commission flexible and personal rehabilitative interventions.

The role of the CRC

The CRC should take a meaningful role far earlier in the justice process. When an individual from one of our key cohorts is identified, the individual must be flagged to the CRC (see attached Figure 2 as an example of how this would work).

- The CRC should focus its work intensively with those whose support needs are social and require more practical debt management, family support, crisis management or driven by mental health or substance misuse issues. It would work with those who has committed relatively minor/low risk offences that often attract or receive a custodial sentence.
- The CRC must provide a case manager for every individual from one of these key cohorts (Female Offenders/ Young People/ Short Sentenced Offenders/Short Sentenced Recalls/Poor Mental Health/ Substance Misuse).
- The case manager must be accountable for pre- sentencing support to courts and case management of individuals. At any point, they could be called to report to the judge or the sentencer on the success of the intervention.
- The CRC should act as a local ‘placemaker’, We suggest that case management should be delivered through a ‘team around the worker’ model, where one CRC case manager builds a meaningful relationship with an individual, and commissions the expertise of local VCS partners for specialist support.

We believe that the benefits of this approach include:

- **Effective value for money**, driven by justice reinvestment.
- **Improved outcomes:**
 - A relaxation of the BCST 1 & 2 completion introducing a true end to end resettlement pathway. One assessment. One caseworker, one relationship.
 - Smarter commissioning and engagement at early intervention points will provide opportunities to place our services at accessible points where we know they are needed the most.

- Models that sit health experts at the heart of complex cases not only improving physical and mental health conditions but also enhancing opportunities to return to education, training and employment.

Custodial In-reach that includes mental health provision, DWP/benefits, Local Authority accommodation applications (sustain/surrender tenancies, arrears management and bidding), substance misuse, family services and specialist needs.

- **Locally devolved commissioning**

- Greater control of locally commissioned services that can be tailored and wrapped around the resettlement approach. Services will be coordinated locally through shared commissioning in an intelligent way that provides early intervention, referral and action ensuring needs are met pre-release, rather than releasing people with un-met needs and in vulnerable positions.
- Community led VCS organisations will be effectively funded to do what they do best; help people live productive, fruitful lives in society.
- Jointly commissioned and incentivised services working in partnership to ensure every window of opportunity is exploited to provide the most effective resettlement and support pathways.
- The authority to work with local prison Governors/Directors to co-commission and invest in shared ownership delivery models that are counter-dependent on one another. Shared targets from custody to community will enable us to positively drive, monitor and evaluate the effectiveness of the co-invested approach.
- Investment across the whole CJS system to provide accessible early intervention points that through shared/joint commissioning offer greater impact, are more effective and efficient in their delivery.
- A truly integrated offer that intelligently works with education provision, prison industries, vocational qualifications, apprenticeships, training and employment and release accommodation support.

Conclusion

Catch22 (in its former guise as Rainer) has been delivering probation services since 1876, when our forefather Frederick Rainer created the London Police Courts Mission (LPCM), the first iteration of the probation service. Rainer's missionaries worked with magistrates to develop a system of releasing offenders on the condition that they kept in touch with the missionary and accepted guidance. In 1907 The Probation of Offenders Act gives LPCM missionaries official status as "officers of the court", later known as probation officers.

Our views on what works to rehabilitate people haven't changed since 1876, and this is because largely, people haven't changed. The drivers of reoffending have stayed the same: Offending remains a by-product of the position someone finds themselves in, often due to being unsupported.

But what has changed is the way that probation is delivered. We know what works – one trusted relationship, personal interventions designed around the needs of the individual. What we have in reality is a bureaucratic and labyrinthine system, a "one size fits none" approach which drives reoffending rates, rather than cutting them.

This consultation offers us the opportunity to build a new, evidence led model. The last four years – the last 200 years in our case – have shown us what works. We don't need more money. We need more bravery, more focus, a more human approach.

**Figure 1.
COMMISSIONING LANDSCAPE: COMMUNITY REHABILITATION COMPANIES**

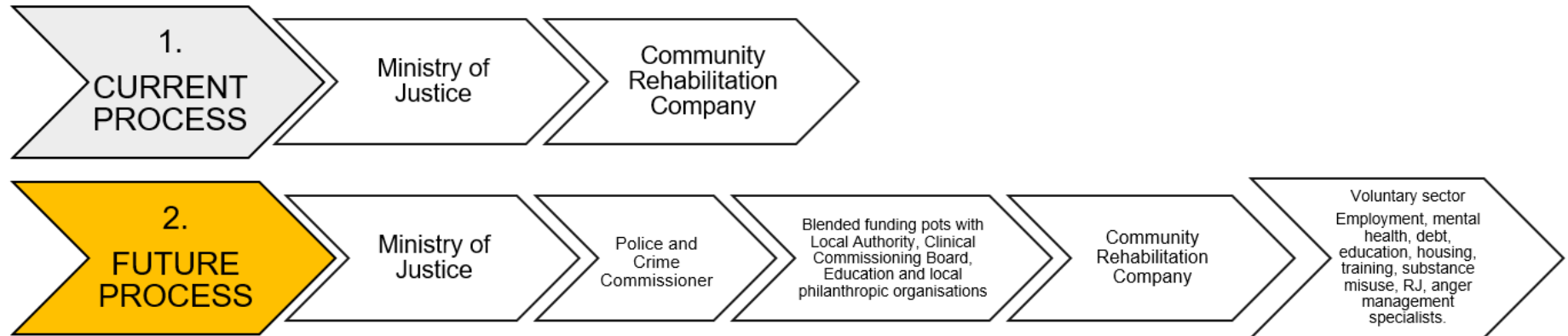
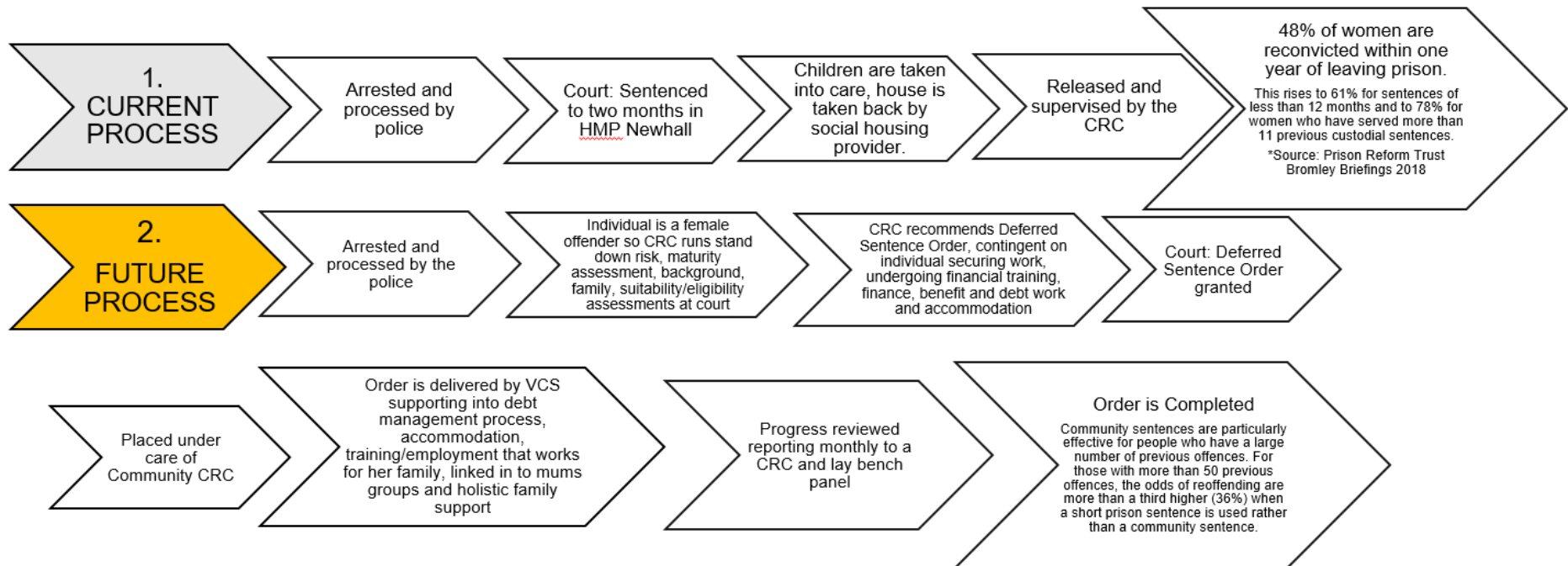


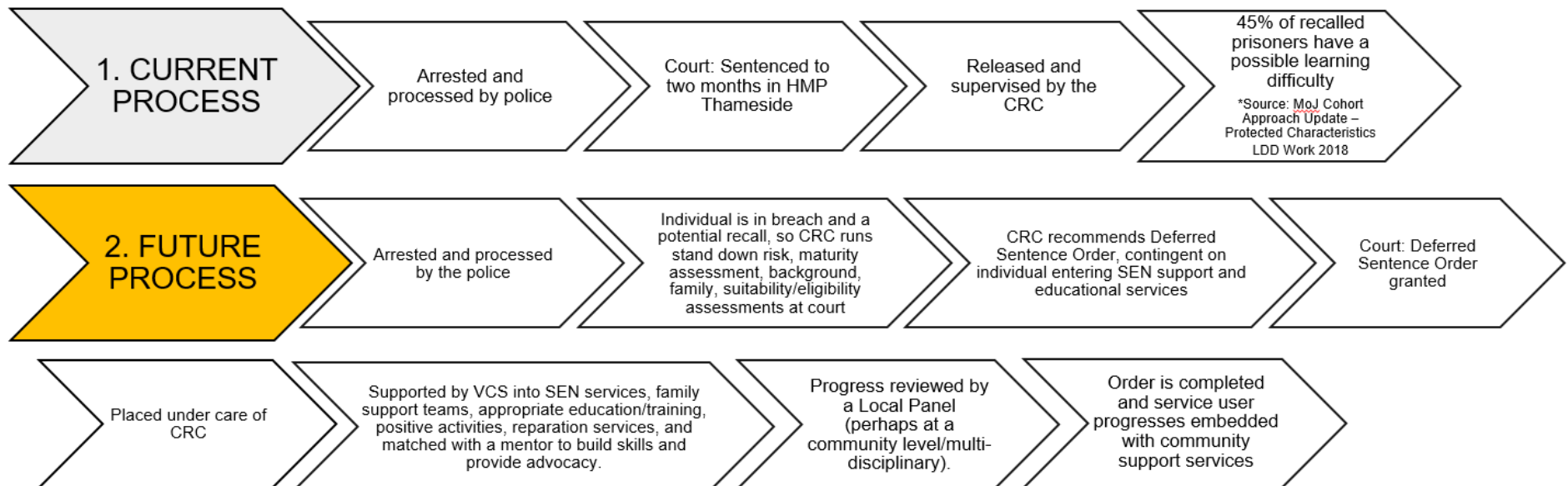
Figure 2. FEMALE OFFENDER

Example: Linda, 27, is a single mother of three children, and has been arrested for shoplifting from Boots. This is the third time that she's been arrested. She lives in social housing and has considerable debts.



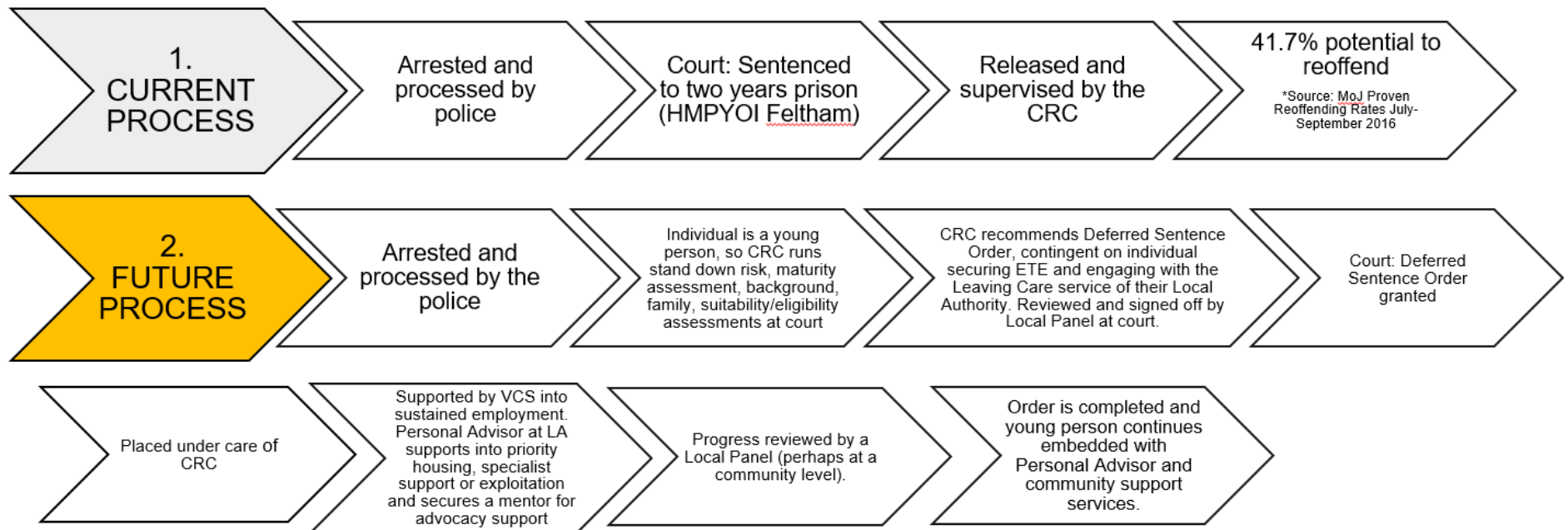
REPEAT RECALL

Example: Mike, 25, has served a short sentence for breaking into cars. He's recently been released, and was arrested by the police for breaching the terms of his license. Mike is single, lives with his mother, and has special education needs which influence his behaviour, leading to him being excluded from school aged 15.



YOUNG PERSON

Example: Julius, 19, has been arrested for selling drugs. This is the third time that he has been arrested by police, with police recognising that he has been a victim of child criminal exploitation and that he is a care leaver.



MENTAL HEALTH NEEDS/ SUBSTANCE MISUSE

Example: Clive, 54, has alcoholism and schizophrenia, each an exacerbating condition for the other. He is homeless, and does not have family ties. He has not been in work for some years. He has been arrested for a public order offence and assaulting a police officer.

