

## The future of the probation service – Catch22 response

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Catch22 is a national charity and social business that designs and delivers public services that build resilience and aspiration. Our 1,800 staff and volunteers work at every stage of the social welfare cycle, supporting 128 communities across the UK. Catch22 is a leading CRC supply chain partner for Through the Gate services, currently operating 23 custodial based services in 20 prisons. We are the only offender management unit in the country delivered by a third sector organisation, with our resettlement and gangs services supporting approximately 35,000 people in custody in 2019/20.

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.

Because Catch22 also provides children's social care, alternative provision education, apprenticeships and routes to employment, our work in prison and probation services is informed by our understanding of the whole system – we understand 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, with Police and Crime Commissioners across Leicestershire, Nottinghamshire and Hertfordshire commissioning our victim services.

We believe that the probation system can benefit from adopting the Voluntary, Community and Social Enterprise Sector's (VCSE) most effective programmes and practices, such as Catch22 as well, for example, the employability work and mentoring of *Switchback*, the in-prison coding lessons of *Code4000*, and domestic abuse perpetrator change programmes like *Drive* (developed by *SafeLives*).

*NB: We have answered the questions we feel best placed to answer. Not all questions will therefore have an answer.*

### The model

#### **Q1. What are your views on the decision to end the competition for Probation Delivery Partners, and bring those service back into NPS delivery?**

The competition for Probation Delivery Partners previously offered little involvement for the VCSE sector, however there are still challenges within the NPS delivery model which need to be addressed. We discuss this further at Q3.

The outsourcing model was first created to allow for more innovation, and some good things have come out of the CRCs, despite the under-funding. Our service users tell us that they are concerned that there could be fewer options for them to address their needs with this model, in terms of both the availability and variety of interventions. We would like to see a review undertaken of the best aspects of innovation that can be taken forward under the new model.

#### **Q2. How were private sector providers involved in the decision to end competition?**

- What opportunity were providers given to make alternative proposals?
- What effect will this decision have on the future of private sector involvement in the criminal justice system?

**Q3: What are your views on the new model of probation?**

- What do you like about the new model?
- What do you dislike?

There are some flaws in the way that the Dynamic Framework is designed that might discourage or disincentivise voluntary sector involvement. Firstly, the pre-qualification questionnaire and process needs to be successfully navigated before an organisation can be allowed on the Framework – it is laden with language about profit margins, which does not apply to non-profit organisations. On the face of it, scoring also favours profit-generating organisations, which again, could disadvantage charities. The extent to which this process is a barrier will depend on whether the Ministry of Justice treats it as a pass-fail test, or uses it to build a risk profile about participating organisations (as there appears to be no limit to how many organisations can take part).

More importantly, perhaps, there are legal and financial burdens within the competition that will make it almost impossible for any organisation without a significant balance sheet to operate in this space. Most of the new services are subject to Transfer of Undertakings (Protection of Employment) regulations (TUPE). In essence this means that any organisation looking to deliver services in the Dynamic Framework will likely have to employ staff (previously CRC and/or NPS) who have been involved in these services in the past.

The other significant constraints are that, 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.

**Q4: Does the new model address the issue of confidence in community sentence options?**

- If yes, how?
- If no, why not?

We have noticed a lack of confidence from judges and magistrates which is seeing the reduction in number of community sentences being issued. This is often rooted in a lack of understanding on what is available, how these options will be managed and their effectiveness. We are concerned that this lack of understanding around effectiveness is being caused by poor consideration of the role of rehabilitation in community sentencing, as opposed to solely focusing on punishment i.e. unpaid work such as litter picking which lacks a meaningful rehabilitative focus and a small % of ETE hours being utilised.

There needs to be a focus on what can be achieved through community sentencing in terms of addressing criminogenic needs and reducing re-offending. We believe that the new model needs to evolve community sentencing options and reignite the ‘community’ aspect by unlocking the

potential, accountability and capacity that already exists within communities. This would provide a wide spectrum of innovative, meaningful and effective community sentencing options. It is currently unclear whether the new model will achieve this.

Previously, public perception around risk was not managed effectively. The same issues will be present if they aren't addressed now.

**Q5: The new model aims to strengthen integration between prisons and probation by integrating through-the-gate roles, processes and products with sentence management. What is your view on this? Do you anticipate any gaps/challenges?**

The best things achieved through the Transforming Rehabilitation Reforms need to remain: innovation, flexibility, and the ability to innovate with other partner organisations and with smaller providers. We discuss this in more depth at Q7.

There is also an urgent need to address the huge geographical disconnect in the way the system operates across courts, prisons, PCCs and probation. In the South West for example, we see a lot of offenders who commit a crime whilst on holiday, hundreds of miles away from home. This can cause delivery issues if the regions for prison and probation do not marry, i.e. with teams being required to see people who live hundreds of miles away. Prison reconfiguration has been on the cards for years, but we haven't seen positive change in this regard. A continued disconnect between regions and probation areas could also cause confusion for funding.

**Q6: What progress has been made in implementing the probation reforms in Wales?**

- What lessons have been learnt so far and how are these being shared?

**Q7: How will the National Probation Service ensure that it maintains the innovation and best practice achieved during the Transforming Rehabilitation Reforms?**

The original vision for Transforming Rehabilitation was positive; a community probation service, run by community organisations. The vision remains the right one, but it's one beset by bureaucratic commissioning processes that produces a gulf between what a contract specifies and how a life is changed.

It's right to celebrate the success of the reforms resulting in hundreds of thousands of short sentence prisoners who, for the first time, accessed probation services. Prior to these reforms, those serving sentences under 12 months were not subject to any mandated support. This 'revolving door' cohort then received a service for the first time, and were often those with some of the most complex resettlement needs.

A truly successful probation service needs three things: the right organisations commissioned to flexibly deliver, embedded in and from the community; highly skilled staff-relationship builders who can support the complex needs of the individuals caught up in the justice system; and finally, contracts which focus on social outcomes, not arbitrary paper targets.

The most successful social interventions have one thing in common. Rather than focusing on an arbitrary public vs private vs non-profit debate, they simply commission the organisation best placed to do the work and manage the risk. The non-profit sector has proven its ability to effectively

manage complex risk: HMIP has time and again recognised charities like Catch22 and Nacro for our skilled staff and thoughtful work, helping to build a safer society.

The right organisation, staffed by the right people, must be underpinned by an outcomes-based model which measures the right things. The current model hits the target but misses the point. We measure rates of re-offending but this, by itself, is not enough. We should measure what matters long-term: whether people have a good place to live, good people around them, and a purpose – a long-term job or education that will stop them re-offending long term. 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 re-offending.

## **Commissioning: Dynamic Framework**

**Q8: Does the new model offer a level playing field for small and specialist voluntary and third sector organisations in regard to the commissioning? Given the challenges in the previous model, how will a new national service secure input from smaller providers?**

We must carry forward lessons learned from the rate card and its inability to procure effectively – and how this minimised innovation and restricted collaboration with smaller VCSEs. The new model should promote the scalability of specialist VCSEs who may have the expertise but lack the infrastructure to deliver on a large scale. We need to look at co-design or licencing arrangements for interventions and services which will enable these organisations to retain their specialisms but allow funding to be drawn down.

- What impact has COVID-19 had on this, if any?

COVID-19 restrictions saw prisons ban external organisations from providing some essential services. Through the Gate services could remain as integrated services, allowing some level of support to continue throughout. This only goes to highlight the benefits of a model with in-built custody support of this kind.

Some of the barriers set out in response to Q3 are made worse by the specific context created by the COVID-19 pandemic. Many organisations, in all sectors, are competing for this work from a position of weakness. If we were to read into the effects of the pandemic on (smaller) charities in particular, it is clear that COVID-19 has been a hammer blow to their funds and their core capacity for bidding for complex tenders such as this. Many will already be reliant on several 'rescue' funds that have been set up by government and grant makers.

Small and medium sized charities have always faced challenges in bidding for government contracts, the burdensome processes of public sector commissioners clashing with the limited capacity, and in some cases, low organisational resilience of smaller organisations. The limitations to accessing service users and prisons that have arisen as public services shifted to an emergency command structure during the pandemic further undermined the role of smaller charities on the eve of a vital public sector commissioning round.

Any new model needs to come from a place of trust – commissioning dictated by strong commissioner-provider relationships. Commissioners must trust providers, based on their reputation and expertise, to pioneer new approaches, innovate and bring forward new solutions. When we began to deliver many of our contracts, we weren't trusted and it took time for us to prove our

worth and the impact we could have. Where these relationships do not exist already, a new national service must account for this relationship-building time to be built into the length of the contract.

**Q9: What is the anticipated effect of procuring resettlement and rehabilitative services using a dynamic framework?**

- Do you foresee any problems with this model?

Beyond the race to bid to get on the Framework, organisations will ultimately have to contend with the relative immaturity of the National Probation Service as a commissioner. This is an organisation that has had to do very little commissioning and external relations since the 2014 reforms; it may be some time before we experience innovation emerging from the Dynamic Framework.

Furthermore, one of the positives of Transforming Rehabilitation was the implementation of Through The Gate support for all prisoners, with a holistic and seamless service. Whilst the new model allows greater access and funding to specialist organisations, as well as increased community support, if this model results in an inreach approach from multiple organisations, it could inadvertently result in fragmentation, duplication and inefficiencies. For example, we could see a service user being helped by eight or nine different organisations, as well as those through OMU and the prison.

We know that the best public services are structured on an individual building trusted and meaningful relationships – this will not come if an offender is working with different professionals in silo. Criminogenic needs are often interlinked, and the risk of the new model is that the service user may now have to have additional relationships.

An inreach approach may reduce the amount of purposeful activity that can take place whilst a service user is in custody. A lack of integration would be a very expensive model. A better version might see one case manager bringing in experts to support a service user based on individual needs.

**10: What progress has been made so far in the commissioning of services through the dynamic framework?**

We have begun to have conversations with other funders for the first time on how money could be spent in the sector. This will allow money to filter down to the expert and community-based VCSE organisations to do the good work. The potential is there.

We discuss this further at Q13.

## **Transition**

**Q11: CRCs and NPS staff are being brought back together under the new model. How is this transition being managed?**

- What support is available to staff during this time?
- How are service users being supported through this transition?

**Q12: CRCs currently use several different operating systems – how easy will it be to merge these into one model? Do you foresee any challenges?**

**Q13: What impact is the transition having on the voluntary/third sector organisations already providing probation services?**

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.

Many of the failures seen through Transforming Rehabilitation were not due to the VCSE supply chain, but there is a fear that a complete overhaul may lose all of the progress that has been achieved by the VCSE sector, as we have set out in previous answers.

**Q14: The Ministry of Justice made the decision to end the competition for Probation Delivery Partners and bring these services into the NPS. These services are to go live in June 2021; is there sufficient time to transition probation over to the new model?**

- If anything, what needs to be taken into consideration during this time?

## **Workforce**

**Q15: Does the new model address workload issues, e.g. high caseloads, recruitment/retention?**

**Q16: What progress has been made towards probation being recognised as a “skilled profession”?**

## **COVID-19**

**Q17: What impact has COVID-19 had on the probation service?**

- the immediate impact and/or
- the anticipated long-term impact

Many criminogenic factors will likely be worsened post COVID-19 such as unemployment deprivation and lack of meaningful rehabilitative opportunities. As lockdown restrictions continue to ease and the recession really kicks in, there may be a spike in crime, peaking at the same time as the transition to the new model. This will place additional strain.

**Problem: The damaging impact of short-term sentencing and two-week recalls**

Although not specific to COVID-19, the damaging impact could be increased based on the above. Courts often send low-risk offenders to prison as there are limited alternative options that balance rehabilitation and retribution. This results in a burgeoning prison population and many people finding themselves in prison when a community sentence would be far better for their own rehabilitation and reintegration into the community.

**Solution:** There are many VCSE organisations that work on rehabilitation outside of prison settings. There are innovative community sentencing options that address both the safety of the community and support the rehabilitation of those who have committed crimes. These innovative approaches need investment and political commitment.

**Problem: Limited technology in prisons**

This has been a problem for many years, but the onset of the pandemic highlighted the issues in a starker context and the need to rethink how technology can enhance probation delivery. The services that in-prison teams deliver to prisoners, for example education and practical help to prepare for release, have been severely reduced due to lockdown restrictions. Risk-averse prison regulations and the lack of coordination as to how technology can be integrated into prison settings is proving a real barrier.

**Solution:** The technology already exists to enhance the offering to prisoners – which would allow for the expansion of education material, offending behaviour interventions and supporting with resettlement preparations. For example, in-cell phones, access to a computer/tablet for education/training purposes and the ability to allow video visits when visits from family and friends are restricted. Such approaches, with the necessary safeguards, would increase offenders’ access to meaningful activities and ultimately reduce re-offending. Furthermore, when face-to-face activities are restricted due to regime disruptions, better technology would minimise the impact on offenders.

**Problem: Little flexibility within prison rules to respond to crisis**

During a time of crisis, whilst there may be measures that need to be implemented across the whole of the prison setting (for example, the prohibition of all visitors to prisons), there is also the need for individual prisons to take decisions based on the particular needs of their population.

**Solution:** This may be in relation to the use of technology, the integration of resettlement teams within the custodial setting, or the movement of prisoners, for example. Applied outside a crisis, giving governors the autonomy to make prompt, defensible decisions based on local issues is a much-needed reform. One of the benefits of having an in-custody resettlement support means we have been able to offer support throughout the pandemic. No other provider has been allowed into some of the prisons we work in and this will have resulted in offenders being released into the community without any support. This has only reinforced our view on the need to base resettlement and rehabilitation teams within prisons.

**ENDS**

**We would be happy to provide further information or evidence if needed.**

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