



The Policy into Practice briefing series from Making Every Adult Matter (MEAM) explores key national policy developments, what these mean for local people and local services, and how you can get involved in shaping what happens next.

Probation Reform

June 2020

This policy into practice briefing sets out how the future probation service might impact people facing multiple forms of disadvantage, examining the structure of the reformed probation service, the role of probation practitioners and how services will be delivered.

Why is the probation service being reformed?

Some people facing multiple disadvantage will come into contact with the criminal justice system, often serving short prison sentences and spending time under probation supervision. Probation services are responsible for:

- Advising courts on sentencing decisions
- Supervising people in the community who have offended and been released from custody on licence and people who have received community sentences
- Working with people in custody to prepare them for a life after release
- Monitoring the risk posed by people supervised in the community and ensuring the public is protected
- Planning and delivering rehabilitative support, often in partnership with voluntary sector organisations
- Enforcing compliance with court orders and licence conditions.

Effective probation services can support people to access the services they need to build a fulfilling life, such as health care, accommodation and welfare. However, too often in recent years, probation services have failed to provide such holistic support and instead take a risk averse approach to reducing reoffending.

The current model of probation was introduced in 2015 as part of a programme of reform called Transforming Rehabilitation. This split delivery between the

National Probation Service (NPS), which focused on high-risk individuals, and Community Rehabilitation Companies (CRC), which were private sector companies set up to support low-risk individuals including all those serving short-term sentences. The model had problems from the beginning and faced criticism from the National Audit Office and was described by the [probation inspector as 'irredeemably flawed'](#). The split in delivery between the NPS and CRCs created too many interfaces and complex systems. Payment by results contracts led to services working to meet their narrow performance targets, which hindered the ability of CRCs to work collaboratively with other organisations to meet the various needs of service users. The government failed to deliver the widespread involvement of voluntary sector organisations which it promised to deliver. Thirteen out of the 21 CRCs collapsed due to financial issues.

Last year, the Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS) announced that, from 2021, there would be major changes to the probation system. HMPPS has now published a [draft target operating model](#), which sets out in detail the government's intentions for how the future probation system will work.

The new structure of the probation service

From summer 2021, Community Rehabilitation Company (CRC) contracts will end and all probation staff in England and Wales will be brought back into the National Probation Service (NPS). The NPS will be split into 11 regions across England and one NPS area covering the whole of Wales.

Each NPS area will be overseen by a Regional Probation Director who will have responsibility for the overall delivery and commissioning of probation services in their area. Each Regional Probation Director will have a team within this regional structure, to include operational delivery, commissioning, contract management, corporate services and a dedicated Equalities Manager. NPS operational delivery will be reorganised around Probation Delivery Units, led by a single Head of Service. HMPPS is still in the process of defining the geographical areas of each unit.

The NPS will retain responsibility for advising the courts and the target operating model includes a commitment for additional resource to improve the quality of pre-sentence reports. Pre-sentence reports support those deciding on sentencing to take into account an individual's circumstances, and can help ensure people

facing multiple disadvantage are given community alternatives to custody that recognises the underlying causes that led to their conviction.

Additional services designed to support individuals' resettlement and rehabilitation will be delivered by a range of private and voluntary organisations through the Dynamic Framework. More information on how this will work is set out later in this document.

How this will impact people facing multiple disadvantage

The new proposed model is clearer and simpler, with all probation supervision under the control of regional NPS divisions. The establishment of clear management structures in each NPS area is welcome. It should be easier for local agencies to engage with probation services and ensure they are effectively supporting people facing multiple disadvantage.

For people moving through the system, it is hoped this model will be simple to navigate, with clear and consistent points of contact in each area. However, the new model will take some years to fully embed. There is likely to be an impact on multi-agency working as the uncertainties over the respective roles and responsibilities of different agencies are likely to continue for some time.

The commitment to improve the provision of pre-sentence reports is welcome. However, previously HMPPS has put forward commitments to specifically increase the percentage of written pre-sentence reports delivered at court, and it's disappointing not to see this firmer commitment reflected in this target operating model.

What people can expect from probation staff

All people, whether sentenced to a community sentence or to prison, should be allocated a probation officer within five working days of their sentence. In the community, there will be minimum requirements for contact between probation staff and service users, including a minimum of monthly face to-face meetings to be supported, but not replaced, with telephone contact.

For individuals leaving prison, probation staff will be responsible for organising pre-release activities and on release, are expected to offer people two weeks of enhanced support. The exact role of the probation officer for people sent to prison will depend on the length of sentence:

- For people serving custodial sentences of 10 months or less - probation officers based in the community will be responsible for assessing individuals entering prison and creating their sentence plans (an assessment of someone's needs and risks and plan for how the sentence of the court will be delivered). They will then be responsible for them throughout their time in custody, supporting them through release and into the community. HMPPS is also looking to create short sentence teams that will focus on managing and mitigating the disruption caused while someone is in prison for a short period of time.
- For people serving custodial sentences of more than 10 months - responsibility for sentence management will first be held by key workers under the Offender Management in Custody model (OMiC), before being transferred to a community-based probation officer at seven and a half months prior to release. That probation practitioner will then be responsible for preparing the individual for release and supporting them in the community post-release.

How this will impact people facing multiple disadvantage

There is a clear emphasis in the new probation system on trying to improve the consistency of support that people receive. The intention is to reduce the number of 'hand-offs' during a person's journey by having a single, clearly defined and accountable probation officer for each individual, providing them with a consistent point of contact. These changes, combined with an emphasis on supporting people through short sentences and creating new minimum standards of face-to-face contact, have real potential to improve the support people facing multiple disadvantage receive.

However, a number of concerns remain as to how this will work in practice. People facing multiple disadvantage need to access a variety of services after leaving prison and may need additional and multi-agency support through resettlement. There are questions about whether probation officers will be able to effectively coordinate such support, on top of a range of new responsibilities such as spending time in prisons and creating sentence plans, when their existing caseloads are very high. Giving a central role to OMiC in this seems risky too, considering the model has so far been implemented inconsistently across the prison estate. Given the demands that will be placed on probation staff, the success of this model will hinge on the probation services linking into existing local multi-agency networks to provide coordinated services for people facing multiple disadvantage.

Service delivery and commissioning

Probation Delivery Partners

Before Covid-19, the MoJ had planned to commission a Probation Delivery Partner to deliver unpaid work programmes, accredited programmes and some structured interventions in each NPS area. The contract notice for Probation Delivery Partners was issued this year, but in the context of Covid-19, the commissioning process has now been paused. There is now uncertainty over how these services will be delivered under the new model.

Dynamic Framework

The Dynamic Framework is a commissioning mechanism being implemented to enable Regional Probation Directors to procure rehabilitation and resettlement interventions. These are:

- Resettlement services - interventions delivered to individuals while in prison to prepare for release and resettlement in the community. These services should focus specifically on supporting people and addressing needs in relation to transition from prison to life in the community. These services are expected to reach into prisons in the pre-release phases of a sentence to enable continuity through the gate.
- Rehabilitation interventions - focused on addressing a range of individual needs to reduce reoffending on community orders, suspended sentences and for those on license.

Initially, HMPPS will centrally commission services via the Dynamic Framework to ensure there is service provision in place for day one of the new probation model going live. These services will be commissioned in the following lots:

- Accommodation
- Education, training, employment and finance, benefits and debt
- Dependency and recovery
- Wellbeing services (which is made up of lifestyle and associates, emotional and personal wellbeing, family and significant others, and social inclusion).

There will also be a specific contract lot for interventions for women that meet the needs identified above in one package, and a specific contract lot for young adults in Wales.

This commissioning process was due to start in Spring 2020, but the Covid-19 pandemic presents challenges for this timeline. Many voluntary organisations are not in the position to engage with the commissioning processes at a time where they face enormous pressures to adapt their services and remain financially sustainable. Qualification for the Dynamic Framework is likely to go ahead as planned in May/June 2020, but it is likely that competition for day one services will be delayed until later in 2020.

Once day one services are in place, Regional Probation Directors will then have responsibility to commission additional services through the Dynamic Framework in response to local need. Contracts will align with NPS areas but contract sizes will be competed for across smaller areas, day one services aligning with PCC areas. Regional Probation Directors are expected to assess the specific needs and gaps in provision in their areas. It is expected that other bodies, not just the NPS, will be able to buy services from the Dynamic Framework and via co-commissioning arrangements, for example prisons and Police and Crime Commissioners (PCC).

Regional Outcomes and Innovation Fund

The target operating model refers only briefly to a Regional Outcomes Fund, which will cover:

- Services to support improved outcomes
- Early intervention and diversion services
- Additional support to address complex needs
- Longer term support to follow end of sentence.

Previous proposals have suggested the fund will be facilitated by the ring fencing of a proportion of probation funding to be used to commission or co-commission initiatives that tackle cross-cutting social outcomes. In the Draft Target Operating Model, HMPPS has highlighted that this still needs development.

How this will impact people facing multiple disadvantage

Whether or not people facing multiple disadvantage can access effective services through the probation system will rest heavily on how the Dynamic Framework works in practice. This will take some time to monitor and will look different in different areas. Covid-19 present real challenges and pressures too as to how day-one services will be commissioned and mobilised in time for June 2021 and how the transition between programmes can be made successful.

A specific contract lot for women is very welcome, and should ensure that specialist women's centres are able to compete for contracts in order to deliver holistic, gendered and trauma-informed services to women facing multiple disadvantage.

It is disappointing that there is not more clarity on the scope of the Regional Outcomes and Innovation Fund. The potential ring fencing of funding to support co-commissioned initiatives could facilitate initiatives set up specifically to support people facing multiple disadvantage.

Access to health services

It is welcome that the target operating model commits to supporting and implementing key health and justice initiatives laid out in the NHS Long Term Plan, namely Community Sentence Treatment Requirements (CSTRs) and the RECONNECT – Care After Custody service.

Community Sentence Treatment Requirements

The new probation system will encourage the greater use of CSTRs. CSTRs require people to participate in community treatment to address issues such as mental wellbeing, alcohol and substance misuse, as an alternative to imposing a custodial sentence. There are three types of CSTRs that can be added to a community or suspended sentence order:

- Drug rehabilitation requirements (DRRs)
- Alcohol treatment requirements (ATRs)
- Mental health treatment requirements (MHTRs).

These requirements have been under-used in the past, but [a new model was recently piloted to improve their use](#), which is now being rolled out nationally. The delivery of DRRs and ATRs is undertaken by alcohol and substance misuse services, commissioned by local authorities. The delivery of MHTRs is undertaken by mental health services commissioned by NHS England. Probation officers in the new model should ensure that enforcement action does not disrupt treatment.

RECONNECT: Care after Custody

The probation system can play a role in breaking down the barriers that prevent continuity of care for people leaving prison, and the target operating model reiterates the commitment for probation services to work with NHS England on its RECONNECT – the care after custody service – pilots.

The RECONNECT service is a health-based service, focussed around the principles of care navigation. It is intended to make the many different routes to services and care that people have to navigate after release from prison more accessible, especially for those experiencing multiple disadvantage. It will involve features such as peer support and link workers.

RECONNECT sites will be based in each of the seven regions that make up NHS England. The service builds on existing services and is to be embedded in local areas, working collaboratively with partners such as local authorities, the Department for Work and Pensions and probation, to improve care navigation for people through the criminal justice system. After the pilot phase, the intention is for a national roll out of the service.

How this will impact people facing multiple disadvantage

The increased use of CSTRs as an alternative to custody should ensure that more people facing multiple disadvantage can access the services they need rather than go to prison. [A Clinks consultation with voluntary organisations and service users](#) found support for greater use of CSTRs. However, requirements under CSTRs must not be too stringent, and must be offered alongside appropriate support, in order that people don't relapse, disengage from services or are returned to court. In particular, people facing multiple disadvantage first need a safe and secure home if they are to benefit. The proposals leave questions about how this will be achieved and the delineation of responsibilities under CSTRs. Availability of CSTRs is also inconsistent in different areas and can be a postcode lottery.

People facing multiple disadvantage who are transitioning into and out of custodial settings are likely to have health issues that require continuity of care. Too many people leave prison without access to the care and medication they need. The work on RECONNECT is therefore welcome, but more clarification is needed on the development of arrangements, how these will ensure effective provision and joint working in this area and how the voluntary sector can support this work. As it is building on existing services, there will likely be significant variation in how it is delivered in each area.

What next?

The probation reform programme is moving at speed and things are in a constant state of development. [For more detailed analysis on the target operating model, see Clinks' briefing here](#), and a further iteration of the Target Operating Model is expected towards the end of 2020.

There will inevitably be unforeseen issues that arise as we move from one model to the next, and Covid-19 creates new and pressing challenges as to how the service will be in place and operational from day one. MEAM and Clinks will continue to monitor the developments and help to inform services, local practitioners and the people they support of the changes and the impacts on them.

In the meantime, local MEAM Approach areas should be thinking of how best to work with [Regional Probation Directors](#) and their teams, engaging them in local partnerships, ensuring they are aware of the specific needs of people facing multiple disadvantage and exploring how collaborative work between probation and other local services can ensure better support for individuals. MEAM programme leads should seek to meet with regional directors and create opportunities for people with lived experience to share their views with them.

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