



House of Commons
Justice Committee

Transforming Rehabilitation

Ninth Report of Session 2017–19

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

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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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Summary

In 2014 and 2015 the Government introduced major structural reforms to the probation system, which included changes to who delivered probation services and what was delivered as part of probation. These reforms were known as Transforming Rehabilitation (TR). The TR reforms sought to:

- Extend statutory rehabilitation to offenders serving custodial sentences of less than 12 months;
- Introduce nationwide ‘Through the Gate’ resettlement services for those leaving prison;
- Open up the market to new rehabilitation providers to get the best out of the public, voluntary and private sectors;
- Introduce new payment incentives for market providers to focus relentlessly on reforming offenders;
- Split the delivery of probation services between the National Probation Service (offenders at high risk of harm) and Community Rehabilitation Companies (low and medium risk offenders); and
- Reduce reoffending.

In this Report we examine the many serious issues that have arisen as part of those reforms and propose some short and medium-term solutions. The scale of the issues facing the sector is of great concern to us given that evidence suggests that if probation services are delivered well they can have a positive impact on the prospects of someone receiving probation support and wider society.

Set out below are some of our main conclusions and recommendations.

Contracts

The National Audit Office identified in a Report in December 2017 that the Ministry of Justice had had to change the fixed-cost assumptions in their contracts with CRCs from 20% to 77%. In this Report we conclude that this raises serious questions about the Ministry of Justice’s reluctance to challenge overoptimistic bids and its ability to let contracts. We also call for there to be more transparency on the changes made to the Ministry’s contracts with CRCs and what the Ministry expects to get in return for additional funding negotiated by providers.

In this Report we criticise the Ministry’s constant renegotiation of CRC contracts but we welcome the Ministry being open to the idea of terminating contracts due to poor performance with CRCs before they are due to expire in 2022. If any contracts are terminated prior to 2022 we caution that transition plans must be in place which make sure that: offenders receive the support they require to be rehabilitated, and their risk of reoffending does not increase. The Ministry should undertake a public consultation on

any further changes to ensure a wide range of views on contractual arrangements. This public consultation should consider the number of CRCs and the bodies eligible to bid for CRC contracts.

Provider performance

CRC performance in reducing reoffending, particularly the number of times an offender reoffends, has been disappointing. We conclude that we do not think that the payment by results mechanism provides sufficient incentives to providers to reduce reoffending, but we also do not believe that CRCs should carry full responsibility for poor performance in reducing reoffending. We recommend that the Ministry of Justice review the payment by results mechanism and set out where it should be amended.

The Ministry of Justice has not been applying the financial penalties (service credits) as envisaged in the contracts with CRCs and it remains unclear to us how the Ministry of Justice is tackling underperformance on a day-to-day basis. We call on the Ministry to set out what other steps it is taking to address underperformance.

NPS-CRC split

Under the TR reforms, offenders were split between the NPS and CRCs according to their risk of harm. This has complicated the delivery of probation services and created a “two-tier” system. There are co-ordination challenges and despite work going on at a local and national level to try and resolve these issues, problems remain. A swift resolution to these problems is needed. The Rate Card (the list of available specialist services and programmes that CRCs offer and which the NPS can purchase from the CRC) processes are cumbersome and create barriers for the NPS to use these services.

This split causes problems in the delivery of probation services as the risk of an offender can change throughout their time on probation. We call on the Government to ask HMI Probation to conduct a review of how offenders should be distributed between the NPS and CRCs, and to investigate the impact of changing offender risk and how the NPS and CRCs manage this matter.

The voluntary sector

We find in this Report that the Government have failed to open up the probation market, a key aim of the then Government when they introduced the TR reforms. The voluntary sector is less involved in probation than they were before the TR reforms were implemented. This is of deep concern to us given the real benefits that the voluntary sector, especially smaller organisations, can bring to probation. There is a lack of transparency on which voluntary sector organisations are involved in probation contracts. We recommend that the Ministry of Justice publishes more information on probation supply chains and considers what benefits might be gained from reintroducing targets for voluntary sector involvement. We also recommend that the Government should consider whether involving some of the smaller, more specialised voluntary sector organisations could be incentivised.

We also call on the Ministry of Justice to look at the contractual barriers to greater voluntary sector involvement, including those relating to sub-contracts.

Staff

Staff morale is at an “all-time low” and staff have high caseloads, in some instances they are handling cases for which they do not have adequate training, and they feel de-professionalised. This is the concerning evidence that we heard. We call on the Ministry of Justice to publish a probation workforce strategy, which covers staff in the NPS and CRCs, setting out the basics with regard to professional standards, training and maximum caseloads/workloads.

Short custodial sentences

We find it extremely worrying that sentencer confidence in community alternatives to short custodial sentences is so low, particularly as the latter have worse outcomes in terms of reoffending. We recommend that the Government should introduce a presumption against short custodial sentences, as the Scottish Government have indicated they will do.

Under the TR reforms compulsory 12-month post-sentence supervision was extended to short custodial offenders. We find that this one-size fits all approach lacks the flexibility to meet the varying needs of offenders. We call on the Government to consider getting rid of this requirement.

Through the Gate (TTG)

One of the key components of the TR reforms was that all offenders would receive an element of continuous support from custody into the community. The current TTG provision merely signposts offenders to other organisations and is wholly inadequate. We recommend that the Ministry of Justice reviews the purpose of TTG and the support it provides to offenders (including whether it should introduce a prisoner discharge pack, based on need). We also recommend that real consideration should be given to whether it is appropriate to release prisoners, with few family ties, from custody on a Friday because access to Government services can be difficult.

The TR reforms introduced a 12-week intervention point: 12 weeks prior to release, pre-release resettlement activity (such as arranging accommodation, dealing with finance, benefits and debts and support related to education, training and employment) commences. We find that this approach is too inflexible and does not reflect the varying, and often complex, needs of offenders. We propose that offenders should begin receiving pre-release resettlement activity no later than 12 weeks prior to release.

Types of activities and frequency of contact

There has been evidence following the TR reforms that some CRC providers supervise their offenders remotely, over the telephone. We conclude that kiosk meetings are never likely to be appropriate and that telephone supervision should only be used in exceptional circumstances and not in isolation. Further, delivery of probation services

must be supported by credible evidence. The Ministry of Justice should set out its minimum expectations to providers on the balance between remote and face-to-face supervision and on where providers meet those they are supervising.

We were concerned that only one in two individuals are supervised by the same officer throughout their case given the strong evidence that continuity of support allows a trusting relationship to be developed. National guidance should be introduced.

We heard in our inquiry that some of the work offenders were required to do under unpaid work orders was meaningless. We recommend that, where possible, unpaid work should contribute to the local community and be linked to education and training.

Specific needs of offenders

The issues facing offenders on probation are not all within the gift of probation services to resolve, and therefore a cross-Government approach is needed and organisations need to work together.

There are strong links between homelessness and reoffending, therefore we find that it is unacceptable that any local council has been able to deem an individual who has served a custodial sentence as making themselves intentionally homeless. We call on the Government to amend its guidance for Local Authorities to make it explicit that an individual who is homeless because of having served a custodial sentence should be deemed vulnerable for the purposes of the Homelessness Reduction Act 2017. We further recommend that the UK Government should work with the Welsh Government to ensure that their homelessness legislation takes due account of the risks of reoffending.

Currently offenders cannot apply for Universal Credit until they are released from custody. For many this can mean that they have the £46 discharge grant to live on for a number of weeks. We call on the Ministry of Justice and the Department for Work and Pensions to enable offenders serving custodial sentences to apply for Universal Credit (UC) prior to their release from custody so that they receive UC on the day of release. In the interim we recommend that the Ministry of Justice set up a transitional credit fund for those offenders who have insufficient funds to provide for the basics.

Longer-term future of Transforming Rehabilitation

On the longer-term future of the TR reforms we conclude that we are unconvinced that the TR model can ever deliver an effective or viable probation service. We recommend that the Ministry of Justice initiate a review into the long-term future and sustainability of delivering probation services under the models introduced by the TR reforms, including how performance under the TR system might compare to an alternative system for delivering probation.

1 Introduction

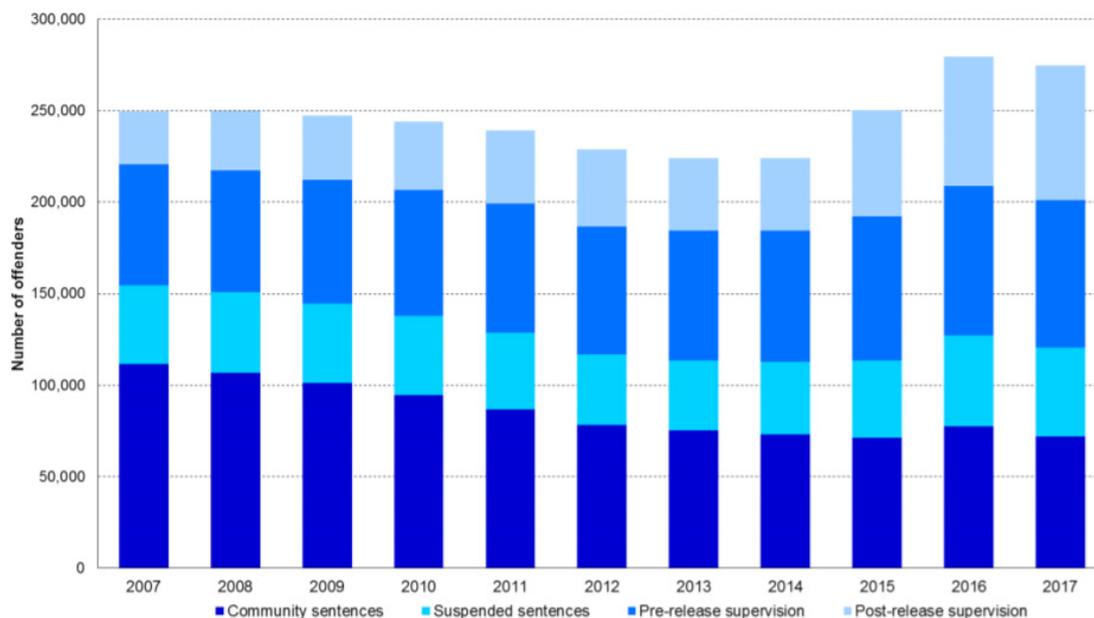
Probation in England and Wales

1. Individuals are on probation either because they are serving a community sentence, or because they have been released from custody. While on probation, an individual might have to:

- do unpaid work;
- complete an education or training course;
- get treatment for addictions, like drugs or alcohol; and
- have regular meetings with an ‘offender manager’.¹

Probation is a devolved matter in Scotland and Northern Ireland, therefore this Report focusses on adult probation services in England and Wales.²

2. At the end of December 2017, the total probation caseload (male and female) in England and Wales was 264,649.³ Information released by the Ministry of Justice in its Quarterly Offender Management Statistics Bulletin for October to December 2017 included details of the distribution of the type of probation support those 264,649 individuals were receiving:



Source: Ministry of Justice, [Offender Management Statistics Bulletin, England and Wales, Quarterly October to December 2017](#), 26 April 2018, p10

1 Gov.uk, '[Probation](#)', accessed 25 May 2018

2 Young people who receive community sentences are supervised by Youth Offending Teams.

3 Ministry of Justice, [Offender Management Statistics Bulletin, England and Wales, Quarterly October to December 2017](#), 26 April 2018, p10

3. We consider that probation is a vital service and one that needs to be delivered successfully. According to HM Inspectorate of Probation, “Probation services can make a big difference to those receiving them and to wider society”.⁴ The Inspectorate also said in its Annual Report for 2017 that if probation was delivered well “there would be less reoffending and fewer people being returned repeatedly to prison”. During our inquiry we heard first-hand from probation users about the power of probation: it “gives you hope and support that you can do something, with the sentence and conviction behind you. Someone is there to help you. You are not just crossed off and then left to suffer the consequences of having done something”.⁵

Transforming Rehabilitation reforms

4. Between 9 January and 22 February 2013, the then UK Government ran a consultation on reforms to the delivery of probation.⁶ The then Government published on 9 May 2013 its response to the consultation, *Transforming Rehabilitation: A Strategy for Reform*.⁷ An overview of the changes introduced under the Transforming Rehabilitation (TR) reforms is set out in Chapter Two.

5. The then Justice Committee published a Report in January 2014 highlighting many potential problems with the proposed reforms.⁸ These concerns were also raised by stakeholders and practitioners in the sector.⁹

6. Since the implementation of the TR reforms more reports have been published which have focussed on or touched upon problems with TR. For example, the Committee of Public Accounts published a Report in September 2016 on TR.¹⁰ It raised concerns relating to:

- whether the reforms were delivering on the Government’s objectives (for example to encourage innovation and voluntary sector involvement);
- to what extent, if at all, the reforms had succeeded in delivering a ‘rehabilitation revolution’ (performance data was patchy);
- whether the additional services that were being delivered following the TR reforms were working well in practice and having the desired effects; and
- what the barriers were to implementing the reforms (commercial negotiations and IT systems).

4 HM Inspectorate of Probation, [2017 Annual Report](#), 14 December 2017, p5

5 [Q51](#)

6 Ministry of Justice, [Transforming Rehabilitation: A revolution in the way we manage offenders](#), Cm 8517, January 2013

7 Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), Cm 8619, May 2013

8 Justice Committee, Twelfth Report of Session 2013–14, [Crime reduction policies: a co-ordinated approach? Interim report on the Government’s Transforming Rehabilitation programme](#), HC 1004

9 See for example, [written evidence](#) submitted to our predecessor Committee’s inquiry in Session 2013–14, “[Probation Privatisation Flawed and Dangerous](#)”, Napo, 9 March 2014, Centre for Crime and Justice Studies blog by Professor Paul Senior, “[Risky and fundamentally misguided](#)”, 24 September 2013 and Prison Reform Trust, [Briefing for Opposition Day Debate on the Future of the Probation Service](#), 30 October 2013.

10 Committee of Public Accounts, Seventeenth Report of Session 2016–17, [Transforming Rehabilitation](#), HC 484

7. Problems were also identified in joint reports from HM Inspectorates of Probation and Prisons on Through the Gate services, and reports from the National Audit Office, the then Work and Pensions Committee in its Report on support for ex-offenders, and the then Communities and Local Government Committee in its Report on homelessness, which highlighted specific issues relating to housing for those on probation.¹¹ At the beginning of this Parliament we agreed that in light of these reports, the generally poor reports from the Inspectorate (both inspection reports of specific Community Rehabilitation Companies and National Probation Service areas as well as cross-cutting thematic reports) and oral evidence taken by our predecessor Committee in March 2017, that an inquiry into Transforming Rehabilitation would be one of the first inquiries that we launched in the 2017 Parliament.¹²

Our inquiry

8. We launched a call for evidence seeking written submissions to our inquiry into Transforming Rehabilitation on 12 October 2017.¹³ We held four evidence sessions as part of our inquiry and went on a one-day visit:

- On 30 January we heard from individuals who had interacted with probation services and the trade unions (Napo and Unison);
- On 27 February we heard from the voluntary sector, including those both formally and informally involved in delivering probation services following the TR reforms (Nacro, Shelter, YSS Ltd, Pact, Business in the Community and Switchback). We also heard from the Chair of the Association of Police and Crime Commissioners;
- On 20 March we heard from providers: both Community Rehabilitation Companies (Sodexo and Seetec) and the National Probation Service (Director, Probation and Executive Director, Probation and Women, and Probation Divisional Directors for London, the North East and Wales);
- Finally, on 17 April we heard from HM Chief Inspectors of Probation and Prisons, and the Minister responsible for probation, Rory Stewart OBE MP, and an official from Her Majesty's Prison and Probation Service (HMPPS); and
- On 22 March we undertook a visit to South West England where we visited HM Prison Bristol and probation services in Gloucestershire.

11 See for example: National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice: Transforming Rehabilitation](#), HC 951, April 2016, Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016, Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#), June 2017, Communities and Local Government Committee, Third Report of Session 2016–17, [Homelessness](#), HC 40, and Work and Pensions Committee, Fifth Report of Session 2016–17, [Support for ex-offenders](#), HC 58.

12 Evidence was taken by our predecessor on 21 and 28 March 2017 from providers, HM Chief Inspector of Probation, charities and others on the issues facing the probation sector (further details are provided at paragraph 10 and Annex One).

13 The [terms of reference](#) for the Committee's inquiry can be viewed on the Committee's website.

9. Over 100 pieces of written evidence were received as part of this inquiry from a wide range of individuals and organisations, including experts in the field, public organisations and individuals involved in the criminal justice sector, providers of probation services, the voluntary and charity sector, staff and former staff from the probation sector and academics. The evidence (oral and written) that we received can be found on our website.¹⁴

10. Our predecessor Committee in the last Parliament held two oral evidence sessions on Transforming Rehabilitation (at Annex One is a summary of the concerns it heard and which we used to inform our inquiry):

- On 21 March 2017 it heard from: Dame Glenys Stacey, HM Chief Inspector of Probation, Malcolm Richardson JP, Chair, Magistrates Association, Nathan Dick, Head of Policy and Communications, Clinks, Nicky Park, Head of Prison Services, St Giles Trust, Yvonne Thomas, Managing Director, Interserve Justice, and Rich Gansheimer, CEO, MTCnovo; and
- On 28 March 2017 it heard from: Professor Paul Senior, Chair, Probation Institute, Helen Schofield, Acting Chief Executive, Probation Institute, Ian Lawrence, General Secretary, Napo, Ben Priestley, National Officer, Unison, Gabriel Amahwe, Director of Probation, Thames Valley Community Rehabilitation Company, Bronwen Elphick, Chief Executive Officer, Durham Tees Valley Community Rehabilitation Company, and Michael Maiden, Chair, Achieving Real Change in Communities.

We thank all those who gave oral and written evidence to our inquiry and that of our predecessor Committee.

Aims of this Report

11. We have heard about many problems facing the probation sector. Our focus, in this inquiry, was on looking for short and medium-term solutions to those problems and best practice for the current system and any future probation system. It was not possible to explore every issue facing the sector and there were some challenges that we decided to not consider at the outset of our inquiry. For instance, we did not look at probation and women (c.10% of the probation caseload),¹⁵ as we expected the Ministry of Justice to produce a women's strategy.¹⁶ After we had concluded taking evidence, reports surfaced that there had been further delays to Ministers agreeing a women's strategy.¹⁷ On 5 June 2018 the Secretary of State announced that the strategy would be published "in the near future".¹⁸ We hope that it appears soon. When the women's strategy is published we will review it.

14 Justice Committee, [Transforming Rehabilitation inquiry](#)

15 At the [end of December 2017](#) there were 26,677 women being supervised by probation services (c.10% of the probation caseload).

16 The [Prison Safety and Reform White Paper](#), published in November 2016, stated that such a strategy would be published in early 2017.

17 See for example: "[MoJ postpones plans to reduce female prison population](#)", The Guardian, 2 May 2018

18 HC Deb, 5 June 2018, [col 148](#)

12. In this Report:

- Chapter two provides an overview of: how probation services were delivered before the TR reforms and summarises the TR reforms and their aims;
- Chapter three explores issues and solutions relating to structural matters such as probation providers, probation contracts, performance of probation providers, and accountability of the probation sector;
- Chapter four examines challenges and resolutions relating to providers and working with others, including the involvement of the voluntary sector; relationship between probation providers and the courts; and data sharing between criminal justice organisations;
- Chapter five focusses on support for offenders and what changes should be made, including in relation to Through the Gate services, the types of activities and the frequency of the contact that offenders receive, and specific needs of offenders; and
- Chapter six sets out our initial conclusion regarding the longer-term future of the TR reforms.

We consider that decisive action is needed on a number of specific areas. At Annex Two we therefore set out a timeline showing which actions we think the Ministry must take over the next year, and by when.

2 Transforming Rehabilitation reforms

13. In this Chapter we will set out:

- How probation was delivered prior to the implementation of the Transforming Rehabilitation (TR) reforms; and
- The changes introduced under the TR reforms, and the reasons given for their introduction.

How were probation services delivered before TR?

14. Prior to the TR reforms probation services were delivered by 35 self-governing Probation Trusts, which worked under the direction of the National Offender Management Service (NOMS).¹⁹ In practice this meant that each Probation Trust, while having its own management board and slightly different style of delivery, delivered broadly the same service and all Trusts had to follow, for example, national standards and training. The then Justice Committee in its Report in January 2014, before the implementation of the TR reforms, set out evidence it had heard about the local nature of the Probation Trusts and the specific roles that they undertook:

As well as delivering services themselves, Probation Trusts play a strategic role in meeting both the needs of the courts and their other statutory obligations within a complex array of local partnerships with local criminal justice agencies and other statutory agencies, for example, to commission, co-commission, and broker access to a range of other services.²⁰

Aims of the reforms

Why did the then Government make changes to probation?

15. As explained in Chapter one the then Government launched a consultation on its proposed reforms in January 2013 and published its response to the consultation in May 2013. In its consultation document the then Government explained that through these reforms it was seeking to:

- drive “down the rate of reoffending” and “reform offenders so that they do not go on to commit further crimes”;
- deliver “better value for the taxpayer”; and
- create “a criminal justice system which punishes offenders properly, protects the public and supports victims”.²¹

19 NOMS was an Executive Agency of the Ministry of Justice. NOMS is now called Her Majesty’s Prison and Probation Service.

20 Justice Committee, Twelfth Report of Session 2013–14, [Crime reduction policies: a co-ordinated approach? Interim report on the Government’s Transforming Rehabilitation programme](#), HC 1004, para 15

21 Ministry of Justice, [Transforming Rehabilitation: A revolution in the way we manage offenders](#), Cm 8517, January 2013, p3

16. A key aim of the reforms was reducing reoffending. At the time that the then Government launched its consultation on the reforms the Ministry explained:

Consistently high reoffending rates have led to the radical overhaul with almost half of all prison-leavers reoffending within 12 months - for those serving less than a year that figure rises to almost 58 per cent. And half a million crimes are committed by convicted crooks each year. [...]

The new approach is expected to deliver steady year on year reductions in reoffending across England and Wales as the best from all sectors pool knowledge and resources to help break the cycle of crime.²²

17. The Ministry expected the delivery of probation (including provision of probation services to over 40,000 additional offenders) to be possible within the existing funding envelope. This was as the new contracts, the then Government hoped, would deliver “more efficient services” as it intended to “award contracts to those providers who demonstrate[d] that they [could] deliver efficient, high-quality services and improve value for money”.²³

18. Before the Transforming Rehabilitation reforms were rolled-out the then Government held two pilots: one at HMP Doncaster and the other at HMP Peterborough “to test the effect of financial incentives combined with the services to be provided under the new Rehabilitation Act” (more information on what this reform was is provided in the next sub-section of this Report).²⁴ Before the pilots had concluded the Ministry proceeded with the full TR changes. The National Audit Office explained in a 2016 Report that “both pilots had reduced reconviction levels by less than targeted levels” by the time the pilots were concluded. Evaluation at a later date demonstrated that “payment by results had encouraged innovation in services and tailored support for users”, but questions remained about whether these results could be replicated across the country. **It was a mistake to introduce the Transforming Rehabilitation reforms without completing thorough piloting.**

What changes were introduced under the TR reforms?

19. The TR reforms were a major structural reform and introduced a number of changes to who delivered probation services and what was delivered as part of probation (see Box 1).

22 [“Transforming Rehabilitation—less crime, fewer victims, safer communities”](#), Gov.uk, 9 January 2013

23 Ministry of Justice, [Transforming Rehabilitation: A revolution in the way we manage offenders](#), Cm 8517, January 2013, p9

24 National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice: Transforming Rehabilitation](#), HC 951, April 2016, p23

Box 1: The Transforming Rehabilitation reforms

- Divided the delivery of probation services into two parts: the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs):
 - The NPS is a public body responsible for handling offenders presenting a “higher risk of serious harm or with prior history of domestic violence and sexual offences”. The NPS is also responsible for advising the courts on sentencing of all offenders.
 - CRCs are private and/or third sector organisations (mainly in the private sector) responsible for handling offenders presenting a low or medium risk of harm. The CRCs are owned by eight different organisations or groups of organisations.
- In England and Wales, there are seven NPS areas and 21 CRC areas. This new model of delivery was introduced in June 2014, although as part of the transition CRCs operated as companies in public ownership until 1 February 2015.²⁵
- Introduced a legislative provision, under the Offender Rehabilitation Act 2014, which extended 12 months of compulsory post-sentence supervision (PSS) to offenders serving short custodial sentences (i.e. prison sentences of under 12 months).²⁶ This added around 40,000 offenders to be supervised by probation services. This provision of the Act was commenced on 1 February 2015.²⁷
- Introduced ‘Through the Gate’ (TTG) support for offenders serving custodial sentences—CRCs were given responsibility to provide resettlement services to offenders 12 weeks before their release from custody to prepare them for their release from prison and for probation support in the community. The TTG provision was introduced in May 2015.²⁸

20. The then Government also sought through the reforms to:

- “[open] up the market to a diverse range of new rehabilitation providers, so that we get the best out of the public, voluntary and private sectors, at the local as well as national level”; and
- introduce a “new payment incentives for market providers to focus relentlessly on reforming offenders, giving providers flexibility to do what works and

25 National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice: Transforming Rehabilitation](#), HC 951, April 2016

26 Previously offenders receiving custodial sentences of 12 months or less received no statutory support on release. Offender Rehabilitation Act 2014, [section 2](#)

27 The Offender Rehabilitation Act 2014 (Commencement No. 2) Order 2015, [article 2](#)

28 Previously people sentenced to custody for under 12 months were not eligible for probation support pre- or post-release, and any support they received would have been through informal and local arrangements. For all other custodial sentences, statutory support was provided pre- and post-release, with the emphasis being placed on planning for release from the point of sentence by prison and probation services (end-to-end offender management).

freedom from bureaucracy, but only paying them in full for real reductions in reoffending”—the Government intended “to give the front-line professionals the flexibility and resources to innovate and do what works”.²⁹

21. The role of HM Inspectorate of Probation (an independent body reporting to Government) remained unchanged following the TR reforms. In its consultation response the then Government explained that the Inspectorate would continue with the same remit and would be:

expected to inspect the system, covering both the public-sector probation service and the contracted providers, though minimising bureaucratic burdens, and to liaise with HM Inspector of Prisons in relation to pre-release provision. We envisage that the inspectorate will shine a light on and spread best practice across the system, giving providers the best opportunity to reduce reoffending.³⁰

29 Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), Cm 8619, May 2013, pp3 and 6

30 Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), Cm 8619, May 2013, p32

3 Structural issues

22. In this Chapter we explore some of the structural issues facing probation following the TR reforms.

CRC Contracts

“Black box” contracts

23. As explained in the previous Chapter the then Government wanted to promote flexibility and innovation for the probation sector following the TR reforms so that providers and frontline staff were able to deliver services in the way they thought most effective. The Ministry’s contracts with Community Rehabilitation Companies were originally set-up as “black box” contracts (see Minister’s quote below for an explanation of the type of contract) and national standards for probation service delivery and training were no longer enforced. As the Minister of State, Rory Stewart OBE MP, explained in oral evidence to us, in practice this meant that:

the contracts were almost entirely oriented around the question of reoffending rates. The black box basically said that the CRCs, provided they achieved those outcomes, could do it in almost any way they wanted.³¹

24. In its submission to our inquiry HMI Probation raised a concern regarding operating models used by CRCs which had been allowed given the flexibility of the contracts. The Inspectorate highlighted that as a result of such flexibility good probation practice was being inhibited. They explained: “CRC contracts currently allow operating models that we question, in the sense that they have features we think inhibit good probation delivery (supervision by telephone only contact, for example)”.³²

25. The Minister made clear that the Government would move away from “black box” contracts as basic standards had not always been provided. He explained that revised contracts with the CRCs would make clear the Government’s minimum expectations about “basic practice”, for example, relating to contact, knowing where offenders were in the probation system and assessments and plans.³³ **We welcome the Ministry’s move away from black box contracts with Community Rehabilitation Companies (CRCs).**

Payment mechanisms in the contract

26. The contracts that the Ministry of Justice have with the Community Rehabilitation Companies include three main types of payment:

- A fee for service—payment for the completion of activities (e.g. unpaid work, thinking skills programme etc.) with offenders (expected to be £2.5 billion for all CRCs over the seven-year contracts). The NAO explained in its Report that

31 [Q339](#)

32 HM Inspectorate of Probation ([TRH0052](#))

33 [Q339](#)

the “CRC contracts specify different payment bands for providing different types of rehabilitation services. CRCs are paid on the basis of weighted volumes that reflect these differences”,³⁴

- Payment by results—payment awarded if the CRC has proven reductions in reoffending after two years (expected to be worth £567 million over the life of the contracts); and
- Fee for use—payment covering work done for other parties (The NAO reported in its December 2017 Report that CRCs had predicted that between 2016–17 and 2021–22 they would receive £77 million).³⁵

27. The contracts were designed on the basis that 20% of CRC costs were fixed, 70% were semi-variable and 10% were variable. In February 2016 the Ministry initiated a Probation Service Review, primarily focussing on the payment mechanism within the contracts. The National Audit Office (NAO) carried out an investigation into the changes announced in July 2017 on the CRC contracts and found that fixed costs for CRCs varied “from 44% to 99.8%”.³⁶

28. In oral evidence, providers highlighted the practical implications of the “volumetric measures” in the contracts. For example, Seetec explained that a very small change in the number of offenders being managed by their CRC had a significant impact on the funding they received (for example, each funding band equated to three service users per an office (14)).³⁷ It should be noted that the then Government stated that it based the TR reforms on the premise that providers would “be capable of bearing financial risk” and this risk being transferred from the Ministry to the providers.³⁸

29. In July 2017, the then Prisons and Probation Minister, Sam Gyimah MP, announced in a Written Ministerial Statement the nature of the changes that had been made to the CRC contracts. These changes included alterations to assumptions in the contracts relating to fixed costs.³⁹ The fixed cost assumption, as reflected in the payment mechanism, was changed to 77%. The NAO estimated that the Summer 2017 changes to the contracts, including the fixed cost assumption, cost the Ministry of Justice £342 million over the lifetime of the contracts. For example, the changes to the ‘Fee for Service’ payment (payment for rehabilitation services) partially illustrated the scale of the changes made: if the terms of the contract had been applied, based on current CRC volumes, the Ministry would have paid £2.1 billion over the lifetime of the contract in ‘Fee for Service’ payments.

34 In practice this means that CRCs are paid for the volume of support and programmes provided, but the payment for different types of activities varies. For example, completion of offenders’ unpaid work, accredited programmes and rehabilitation activity requirements, are highly weighted.

35 National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice, HM Prison & Probation Service: Investigation into changes to Community Rehabilitation Company contracts](#), HC 676, December 2017, p14

36 National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice, HM Prison & Probation Service: Investigation into changes to Community Rehabilitation Company contracts](#), HC 676, December 2017, p23

37 [Q196](#)

38 Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), Cm 8619, May 2013, p17

39 HC Deb, 19 July 2017, [cols 54–55WS](#)

Following the Summer 2017 changes this increased to £2.5 billion (a 19% increase). Although £2.5 billion was lower than the £3.7 billion envisaged when the contracts were let, the volumes of CRC work have been significantly lower than expected.⁴⁰

30. The Ministry of Justice's written submission explained that changes were needed to the contracts as CRC expenditure to deliver services was more than they were receiving in income: "as allocations to CRCs decreased, providers were receiving less in income than it was costing them to deliver services".⁴¹

31. Dame Glenys Stacey, HM Chief Inspector of Probation, told us that there was nothing surprising about the changes which were made to the fixed costs assumptions in the contracts. She explained that one would expect fixed costs to "be about 60% to 80%", so a move to 77% fixed costs "makes sense".⁴² Dame Glenys encouraged a payment mechanism which "truly covered reasonable fixed costs" and advocated that it "should not be so dependent on case types and sentencing, because it [was] so unpredictable and variable".⁴³

32. Some witnesses questioned whether the contracts had originally been set up on misguided assumptions. For example, Rob Allen, an independent researcher and consultant and co-director of Justice and Prisons, explained that "something seriously [had] gone awry with the contracting process" as volumes of cases going to CRCs had been much lower than expected, and CRCs had too few cases to manage but probation staff had unmanageable caseloads.⁴⁴ Similarly, the Centre for Social Justice (CfSG), a think tank, questioned whether there were other motives behind the original design of the contracts:

one concern is that the use of such a low fixed cost base might have been a deliberate effort by those behind the original competition design to encourage CRCs to commission and subcontract services in a manner that would only see cost incurred in direct proportion to volumes.⁴⁵

The CfSG explained that it therefore appeared that the Ministry had expected CRCs to cut fixed costs to a minimum, which in practice, implied that indirectly a "shift in probation supervision away from face-to-face contact towards remote and automated monitoring" and more group probation support, were being promoted.

33. We questioned providers on whether they had underbid for services. Sodexo, a CRC parent company, told us that some aspects of the contract were set prior to the separation of the probation system and "some of the things that were foreseen did not turn out to be the case"(Sodexo did not state what had been foreseen but had not come to fruition).⁴⁶ Sodexo also explained in oral evidence to us that if they had the information they had now, including on volumes, they would have bid differently.⁴⁷

40 Data taken from: [Report by the Comptroller and Auditor General: Ministry of Justice, HM Prison & Probation Service: Investigation into changes to Community Rehabilitation Company contracts](#), HC 676, December 2017

41 Ministry of Justice ([TRH0032](#))

42 [Q304](#)

43 [Q301](#)

44 Mr Rob Allen ([TRH0071](#))

45 Centre for Social Justice ([TRH0086](#))

46 [Q195](#)

47 [Q197](#)

34. The Committee of Public Accounts concluded that the Ministry had been overoptimistic about CRCs' ability to cut costs if volumes decreased. They also concluded that some of the problems that had arisen should have been foreseen earlier on in the contract process:

it should have been well within the Ministry's capability to recognise that the composition of criminal cases heard by the courts was changing and to monitor and respond to shifting trends in sentencing decisions. The Ministry did not convince us that it was not possible to foresee or model the impact of factors within its purview.⁴⁸

35. Rory Stewart OBE MP, Minister of State, suggested in his response to us in oral evidence that some bidders were overoptimistic in their bids but conceded that the Government had not questioned that optimism:

they [providers] probably also had unrealistic views about the frequency of reoffending. [...] Were they deliberately underbidding because they wanted to get a slice of Government business in the future? [...] Some of these companies are major, global multinationals that, you might argue, could afford to take a loss in order to take a market position. [...] we [the Government] are often inclined to accept the overoptimistic bid of companies that say they can save us a lot of money.⁴⁹

36. The Government has had to fundamentally change assumptions in the contracts with CRCs: the fixed-cost assumption in the contracts has been reversed in the changes announced in July 2017. Having to make such a fundamental change to ensure that providers were being paid to meet the basic costs of providing probation services is concerning. It raises serious questions about the Ministry of Justice's apparent reluctance to challenge overoptimistic bids and its ability to let contracts based on appropriate assumptions. We agree with our colleagues on the Committee of Public Accounts that the Ministry "significantly overestimated the ability of CRCs to reduce their costs to match any fall in income when it agreed the contracts".

Changes to the contracts

37. Questions have been raised about what the Government got in return for the financial changes to the contracts announced in July 2017. The Committee of Public Accounts published a Report on CRC contracts in March 2018 in which it concluded that the Committee was "disappointed that neither the Ministry nor HMPPS could point to a tangible list of commitments from CRCs as a result of the additional money".⁵⁰

38. We asked witnesses (written and oral) about the changes that had come about as a result of the contractual changes. Many providers explained that the changes brought some "stability", but the contract changes had not "fully resolved" CRCs' concerns.⁵¹

48 Committee of Public Accounts, Twenty-Seventh Report of Session 2017–19, [Government contracts for Community Rehabilitation Companies](#), HC 897, p5

49 [Q341](#)

50 Committee of Public Accounts, Twenty-Seventh Report of Session 2017–19, [Government contracts for Community Rehabilitation Companies](#), HC 897, p7

51 See for example, Durham Tees Valley Community Rehabilitation Company ([TRH0051](#)); MTCNovo ([TRH0067](#)); Reducing Reoffending Partnership ([TRH0037](#)); and PeoplePlus ([TRH0046](#))

For example, Working Links, a CRC parent company, explained in their submission in November 2017 that the July 2017 changes had been expected to bring a period of stability for the next two years but further issues with different aspects of the payment mechanism had been identified which meant that the period of stability had “decreased to a mere nine months”.⁵² Sodexo, another CRC parent company, explained that despite the changes they were still receiving less funding to deliver probation services than they had expected when they signed the contract.⁵³ Durham Tees Valley CRC appeared to be more optimistic about the changes and explained in written evidence to us that the changes enabled them to:

retain manageable caseloads (Probation Officers hold on average forty five cases and Probation Service Officers sixty five cases),⁵⁴ ensure safe service delivery with public protection [is] intact and every offender is seen face to face. The security of payment going forward [...] gives us the stability and much needed time to focus upon improving our service delivery and the ability to invest in areas where we need to consider doing things differently in an attempt to further reduce reoffending.⁵⁵

39. Similarly, HMI Probation explained in its written submission that the changes had helped with the financial stability of providers: “It is likely that for some CRCs, these payments will mean that books will balance in year”. However, the Inspectorate explained that it was “too early to assess the impact on the delivery or quality of probation services”.⁵⁶ Dame Glenys Stacey called for the payment mechanism to be “fair between providers” and for greater transparency.⁵⁷

40. The trade unions questioned how the additional money had been spent. Unison, for example, questioned whether the CRCs had used the additional money to cross-subsidise other work carried out by their parent companies.⁵⁸ Napo also explained that there was a lack of transparency on what had been achieved because of the contract changes, but they could see that the money had been provided “to help[providers] over the hump”.⁵⁹

41. The Ministry of Justice explained that the purpose of the changes announced in July 2017 was to provide providers with “greater financial certainty and support the delivery of core operational services”, but it was too soon to assess their impact.⁶⁰

42. Ambiguity remains about the nature of the changes made to the contracts with CRCs and what the Ministry got from the CRCs in return for the increased funding. We are concerned that it has been difficult fully to scrutinise public spending decisions as a result. Commercial confidentiality should not be so readily used as a barrier to openness and transparency. We recommend that any significant changes made by the Ministry of Justice to CRC contracts, including those currently underway, should be publicly disclosed. This disclosure should include information on any significant changes to the payment model and funding for CRCs, as well as information on what the Ministry expects to receive in return for the changes.

52 Working Links ([TRH0080](#))

53 Sodexo Justice ([TRH0061](#))

54 A definition of Probation Officers and Probation Service Officers is provided later in this Chapter.

55 Durham Tees Valley Community Rehabilitation Company ([TRH0051](#))

56 HM Inspectorate of Probation ([TRH0052](#))

57 [Q301](#)

58 [Q115](#)

59 [Q115](#)

60 Ministry of Justice ([TRH0032](#))

43. The Minister, Rory Stewart OBE MP, also confirmed in oral evidence to us that the Ministry were in a further round of contract renegotiations with CRCs.⁶¹ In supplementary written evidence the Minister undertook to update the Committee following the renegotiations.⁶²

44. In oral evidence Sodexo called for a period of stability “to be able to demonstrate the way that the contracts were originally intended to operate”.⁶³ This was a view held by some non-CRC organisations too.⁶⁴

45. Napo, a trade union, explained to us that “there [were] some providers, frankly, who are not fit for purpose and should not be holding a public contract”.⁶⁵ The Minister made clear in evidence that “terminating the contracts [was] 100% absolutely an option”:

We are in very active negotiations with [CRCs] now, so we are not waiting. We are very clear that companies have failed to meet the frequency targets.⁶⁶ They are already suffering very significant penalties for failing to meet those targets—so much so that, instead of waiting any longer, we are currently, at this moment, renegotiating those contracts and looking at the possibility of termination.⁶⁷

On 14 June 2018 The Times reported that “Ministers [were] looking to terminate the contracts [with CRCs] in 2020, two years early, after concluding that they [were] unlikely to work”.⁶⁸

46. We welcome the Minister of State’s confirmation that terminating the contracts with CRCs before 2022 is “100% an option”, if they do not deliver to the expected standards. We also note that the Ministry of Justice is currently in a further round of renegotiations with the CRCs on the contracts. Constant renegotiations of contracts only provides interim solutions to the issues facing the sector. *The Ministry of Justice should move away from a “sticking-plaster” approach of rolling contract negotiations following the current round of renegotiations. If contracts are to be terminated the Ministry of Justice needs to ensure that transition plans are in place which make sure that: offenders receive the support they require to be rehabilitated and their risk of reoffending does not increase. The Ministry should undertake a public consultation on any further changes to ensure a wide range of views on contractual arrangements. This public consultation should consider the number of CRCs and the bodies eligible to bid for CRC contracts.*

Financial viability of the contracts

47. HM Chief Inspector of Probation told us that several CRC providers expected to make losses over the lifetime of the contract, despite the changes that had been made to the contracts:

61 See for example [Q351](#).

62 Ministry of Justice ([TRH0118](#))

63 [Q199](#)

64 See also for example ERSA ([TRH0047](#)), Centre for Justice Innovation ([TRH0057](#)) and Inspiring intelligence ltd ([TRH0089](#)).

65 [Q111](#)

66 The frequency rate of reoffending is the number of times an individual offender reoffends.

67 [Qq353–354](#)

68 [“Probation firms’ contracts will be ripped up”](#), The Times, 14 June 2018

Some of the firms are saying openly that by the time they get to the end of the contract they expect to have lost £30 million or £40 million. Others are less forthcoming. One or two CRCs tell me that they expect ultimately to be in profit.⁶⁹

The Report by the National Audit Office, published in December 2017 following changes to CRC contracts in the Summer 2017, found that 14 of the 21 CRCs were still forecast to make losses following the contract changes.⁷⁰ Dame Glenys Stacey explained to us that the contracts could only be sustainable if “sufficient money [was] put in to cover the true costs of delivery”.⁷¹ In oral evidence to us CRC providers, Sodexo and Seetec, indicated that given time the contracts could be financially sustainable, although they might operate at a loss across the lifetime of the contract.⁷²

48. In response to a Report from the Committee of Public Accounts the Ministry of Justice noted that it worked with all providers, the Cabinet Office and other Government Departments to monitor the financial stability of providers and had “contingency plans in place should any provider be unable to deliver their contractual requirements”.⁷³

49. We are concerned that most CRCs are still forecast to make a loss over the lifetime of the contracts, despite additional funding from the Government. Provider failure could be a serious problem if the financial positions of any CRC parent company alters. The Ministry of Justice should continue to closely monitor the financial position of all CRCs to ensure that no CRC is suddenly unable to deliver probation services. It should ensure its contingency plans reflect the Principles set by the National Audit Office in its paper on “Managing Provider Failure”.

Contract management

50. HM Prison and Probation Service (HMPPS), an executive agency, sponsored by the Ministry of Justice, is responsible for overseeing probation services. The Directorate of Community Interventions within HMPPS is responsible for managing the 20 CRC contracts in England, and contract management of Wales CRC is the responsibility of HMPPS in Wales. As alluded to throughout this Chapter questions have been raised over the letting of the contracts and to some extent about the oversight of the contracts with CRCs (for example administrative costs of CRC parent companies being borne by the CRC).⁷⁴ We therefore sought assurances from the Minister about the capabilities of the Ministry in managing contracts. Mr Stewart sought to assure us that the Ministry had learned the lessons of the past and was increasing its contract management capabilities:

The Transforming Contract Management Programme, which commenced in 2016, has made significant steps in strengthening our contract management processes [...] and identifying capability gaps across the Department. The Department has invested in the International Association of Accredited

69 [Q306](#)

70 National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice, HM Prison & Probation Service: Investigation into changes to Community Rehabilitation Company contracts](#), HC 676, December 2017, p11

71 [Q303](#)

72 [Qq199–207](#)

73 HM Treasury, [Treasury Minutes: Government response to the Committee of Public Accounts on the Twentieth to the Thirtieth reports from Session 2017–19](#), Cm 9618, May 2018, p33

74 [Q115](#)

Contract and Commercial Management (IACCM) programme, and over half of the CRC contract management team have undertaken or are currently going through the programme. Additionally, the commercial team within the Department has been strengthened with the recruitment of senior commercial professionals.⁷⁵

51. The size of the contract management team was raised with us by Peter Clarke, HM Chief Inspector of Prisons. He explained that “there [were] significantly more people involved in monitoring and managing CRC contracts than there [were] in inspecting prisons”.⁷⁶ Mr Clarke explained that he had an annual budget of £3.5 million and HM Inspectorate of Prisons employed between 45 and 50 full-time equivalent (FTE) staff.⁷⁷ HMI Probation’s budget for 2018–19 was £6.12 million and their FTE was 88 staff plus HM Chief Inspector of Probation.⁷⁸ By comparison, the Minister confirmed that, the CRC contracting teams in HMPPS England and HMPPS Wales, had an annual collective budget of £5.137 million and employed around 84 full-time equivalent staff.⁷⁹ **We are surprised that it costs HMPPS and HMPPS Wales more staff and money to manage the Ministry’s contracts with the 21 CRCs, than HMI Prisons has to inspect more than a hundred prisons, as well as young offender institutions, secure training centres, immigration removal centres, short-term holding facilities, police custody, military detention and court custody.**

52. We heard from providers that they faced numerous inspection and contract demands. For example, Sodexo explained that CRCs were subjected to:

- Contract Management scrutiny by HMPPS/MoJ (monthly topic for scrutiny);
- HMPPS Operational Assurance Audits (performance reports are published quarterly);
- HMPPS Accredited Programme Audits;
- Ofsted Inspections;
- Contract Oversight at quarterly Relationship Management Groups, (monthly data);
- Accuracy meetings, monthly Contract and Performance meetings; and
- Joint Targeted Area inspection.⁸⁰

Along with other CRCs, including Reducing Reoffending Partnership, they called for consideration to be given to “reviewing the frequency and timetabling of the inspections and audits”.⁸¹ These providers raised concern that across the different audit and inspection work there was “evidence of overlap, duplication, differences in recommendations [...]”

75 Ministry of Justice (TRH0118)

76 Q299. For illustrative purposes [April 2018 prison population statistics](#) from the Ministry of Justice provide data on 118 prisons.

77 Mr Clarke told the Committee that the amount allocated to HMI Prisons from the MoJ was £3.5 million. Mr Clarke was drawing a comparison between the levels of MoJ funding for HMI Prisons and the amount the MoJ spends on management of CRC contracts. HMI Prisons has a total annual budget of approximately £4.5 million.

78 HM Inspectorate of Probation, [Corporate Plan 2016–19](#), August 2016

79 Ministry of Justice (TRH0118)

80 Sodexo Justice (TRH0061)

81 Sodexo Justice (TRH0061)

and different auditing bodies auditing at the same time”.⁸² HMI Probation appeared to have some sympathy with this complaint. In its submission HMI Probation explained that under their new inspection framework (starting from 1 April 2018), which meant that every provider (NPS and CRC) was inspected annually and given an overall rating, they expected HMPPS contract monitoring requirements “to be reduced for those achieving ratings of ‘good’ or ‘outstanding’”.⁸³

53. In March 2018, a Memorandum of Understanding (MoU) between the Ministry of Justice, HMPPS, and HMI Probation was published.⁸⁴ It sought to set out the roles of each body with respect to conducting the oversight of the NPS and CRCs, following the Inspectorate’s new inspection framework, which was introduced on 1 April 2018. The MoU explained that the oversight arrangements were underpinned by the principles of: transparency; consistency; accountability; proportionately; and targeted. It also explained that there was planned “overlap to ensure there [was] more than one source of intelligence on which to make assessment of delivery and business risk, so that there is no single point of failure in the system and so that major performance issues are not missed”.

54. We questioned the Minister on what steps he might take to reduce the audit and inspection burden on providers if they did not receive a ‘good’ or ‘outstanding’ rating by HMI Probation. He was not sympathetic to the idea of reducing the regulatory burden on providers and explained that “given the problems we are facing, [...] I tend to be on the side of more inspection rather than less”.⁸⁵

55. **We welcome the Minister’s determination and drive to increase CRC performance, even if that means there is an increased inspection and audit burden. It is important that any oversight balances being rigorous and supportive with duplicating oversight and giving conflicting advice to providers. *The Ministry should conduct a review after HMI Probation’s new inspection regime has been in place for a year to assess: the number of providers who are rated ‘good’ or ‘outstanding’; the additional burden being placed on providers because of the increased frequency of inspection; and whether there were any elements of the inspection and audit regimes which could be consolidated.***

Provider performance

56. HMI Probation explained that performance in the National Probation Service was better than that among the Community Rehabilitation Companies:

The National Probation Service (NPS) is off to a good start overall, albeit there are inconsistencies across and within divisions. We have found good Community Rehabilitation Company (CRC) work in the Kent, Cumbria and South Yorkshire police force areas, but these are exceptions. In most police force areas where we have inspected we have found the CRC not delivering good quality work.⁸⁶

82 Sodexo Justice ([TRH0061](#)); Reducing Reoffending Partnership ([TRH0037](#))

83 HM Inspectorate of Probation ([TRH0052](#))

84 Ministry of Justice, *HM Prison & Probation Service, and HM Inspectorate of Probation, Memorandum of Understanding for the Arrangements for the Oversight of Probation Services in England and Wales between The Ministry of Justice and HM Prison & Probation Service and HM Inspectorate of Probation*, 20 March 2018

85 [Q355](#)

86 HM Inspectorate of Probation ([TRH0052](#))

Similarly, the trade unions were critical of probation performance, especially that of the CRCs. For example, Unison explained that performance issues had been identified with both the NPS and CRCs, but it said that action was not being taken.⁸⁷

57. Sodexo, a parent company for six CRCs, told us in its written submission that it was performing well: “our high performance is evidenced through our excellent reputation and quality of delivery as demonstrated through the recent external Inspections of some of our CRCs”.⁸⁸ Sodexo also claimed that the Ministry had moved the goalposts with regard to expectations: “a change in service level performance metrics, [...] has resulted in a change in working practices to meet the change in requirements”.⁸⁹ Another CRC parent company, Working Links, argued that CRCs were performing well against contract measures and anticipated that further improvements in performance would be forthcoming as their planned delivery models were implemented and started to become business-as-usual.⁹⁰ The National Probation Service’s written evidence also painted a positive picture on its performance and maintained that despite challenges it had still managed to perform well: “The National Probation Service has successfully established itself as a new organisation, and has met the challenge of managing a significantly higher caseload than was originally envisaged”.⁹¹

58. In a Westminster Hall debate on 27 February 2018 the Minister of State agreed that CRC performance was “simply not good enough”. He wished “to be judged on driving the CRCs back to the very basics of their task”.⁹² In oral evidence to us he made similar points and emphasised that “the very basics” were:

having a very clear idea of where those offenders are; secondly, making sure that you have regular face-to-face contact for those offenders; thirdly, making sure that a good assessment process is taking place of the individual needs of the offender; and, finally, making sure that a good plan is put in place that has a logical relationship to that assessment.⁹³

Outcomes v outputs

59. Lorraine Preece, Chief Executive of YSS Ltd, a charity involved in delivering probation services, explained that “the MOJ appear[ed] to be monitoring not outcomes but outputs” (examples of outcomes include finding accommodation for an offender, whereas an output would be sending an e-mail seeking to find accommodation for an offender).⁹⁴ This was a view shared by a number of other witnesses. For example, the Association of Police and Crime Commissioners explained that “NPS performance data [was] complex and focused on inputs and activities, rather than outcomes”.⁹⁵ LandWorks, an offender resettlement charity in South Devon, explained that: “The current payment

87 UNISON ([TRH0045](#))

88 Sodexo Justice ([TRH0061](#))

89 Sodexo Justice ([TRH0061](#))

90 Working Links ([TRH0080](#))

91 National Probation Service ([TRH0034](#))

92 HC Deb, 27 February 2018, [col 278WH](#)

93 [Q350](#). See also Mr David Breakspear ([TRH0103](#)) for information on face-to-face contact.

94 [Q128](#)

95 APCC ([TRH0064](#))

mechanisms largely incentivise[d] completion of administrative tasks (sentence plan or enrolment forms completion for example) rather than the delivery of actual resettlement support”.⁹⁶

60. Others, including HM Chief Inspector of Probation, the Police and Crime Commissioner for North Yorkshire and Serco, agreed that there were perverse incentives to deliver particular activities just because a payment was attached to them.⁹⁷ Despite these perverse incentives CRC performance has not been positive compared to expectations. In its Report in December 2017 on changes to CRC contracts, the NAO found that “CRCs had met one-third [eight] of the performance targets set by the Ministry”, although there was notable variance in individual CRC performance, ranging from achieving four to 16 of the 24 targets (one target has two indicators). The NAO explained that the Ministry had expected CRCs to be meeting: “11 of the indicators from the start of the contracts [and] the remaining 14 from the end of February 2017”.⁹⁸

61. We challenged the Minister on the apparent focus on outputs rather than outcomes. He explained that the TR reforms sought to, “focus more on outcomes than ever before” through introducing a payment related to reducing reoffending, but he acknowledged that practice did vary across providers.⁹⁹ In response to a Report from the Committee of Public Accounts the Ministry explained that performance measures had been reviewed and revised so that “any potential for perverse incentives” was removed.¹⁰⁰

62. The current contracts have too great a focus on outputs and inputs compared to outcomes. A greater emphasis on outcomes would provide greater assurance to Ministers and the public that public money is being well spent and probation is having a positive impact on the life of individuals and society. The Ministry of Justice should review contract performance measures so that they focus on outcomes, especially on housing, employment and drug rehabilitation, rather than inputs or outputs. This review should be completed by 1 February 2019 (four years after probation services were fully divided between the NPS and CRCs).

Reductions in reoffending and Payment by Results

63. A principle behind the Transforming Rehabilitation reforms and the contracts with the Community Rehabilitation Companies was to reduce reoffending.¹⁰¹ The Ministry explained in its January 2018 final and interim proven reoffending statistics bulletin that CRCs and the NPS were assessed against two measures related to reoffending (although the NPS did not have targets in relation to reducing reoffending):

- the binary rate (proportion of offenders who reoffend); and
- the frequency rate (the average number of reoffences per reoffender).¹⁰²

96 LandWorks (TRH0081)

97 See for example: Q301, Police and Crime Commissioner for North Yorkshire (TRH0070) and Serco plc (TRH0077).

98 National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice, HM Prison & Probation Service: Investigation into changes to Community Rehabilitation Company contracts](#), HC 676, December 2017, p20

99 Q349

100 HM Treasury, [Treasury Minutes: Government response to the Committee of Public Accounts on the Twentieth to the Thirtieth reports from Session 2017–19](#), Cm 9618, May 2018, p36

101 Q339

102 Ministry of Justice, [Final and Interim Proven Reoffending statistics for the Community Rehabilitation Companies and the National Probation Service](#), 25 January 2018, p1

The payment by results element of the CRC contract was linked to “the achievement of statistically significant reductions in reoffending against the baseline year of 2011 as set out in Transforming Rehabilitation contracts with CRCs”.¹⁰³ The CRC must reduce both the binary and frequency measure to be eligible for payment by results. When the TR reforms were introduced, the Ministry of Justice explained that having both a binary and frequency measure was important as the binary measure aligned “most closely with [the then Government’s overall aim of complete desistance” and the frequency measure ensured that “providers ha[d] an incentive to continue to engage with offenders after they [had] reconvicted and sentenced and then subsequently return to the providers’ caseload”.¹⁰⁴

64. The Ministry published data on binary and frequency reoffending of offenders supervised by CRCs.¹⁰⁵ The first set of proven reoffending annual data was released in January 2018 for the 2015–16 annual cohort. All but three of the 21 CRCs achieved a reduction in the binary rate of reoffending. However, performance in terms of the frequency rate was less positive, with only two CRCs reducing the frequency rate. Following these results only two CRCs (who had achieved reductions in both the binary and frequency rates of reoffending) were eligible for a payment by results payment.

65. We heard criticism in the course of our inquiry, mainly from CRCs, on the 2011 baseline against which CRCs were being judged.¹⁰⁶ For example, Working Links, a CRC parent company, queried why the baseline for reoffending data was set four years before the TR changes were introduced and explained that they were being “held accountable for a decline that took place prior to [their] involvement in the delivery of the service”.¹⁰⁷ The table which follows illustrates that, while the overall frequency rate of reoffending did indeed increase from 2011 to 2015, which may give some justification for claiming that the CRCs were being judged against an unfair baseline, the same is not true with regard to the average binary rate of annual average proven reoffending (see Table 1). It is worth noting that it is the frequency rate of reoffending that most CRCs have struggled to decrease.

Table 1: Reoffending in 2011, 2014 and 2015

Year	Binary rate of reoffending	Frequency rate of reoffending (average number of reoffences)
2011	26.8%	2.89
2014	26%	3.13
2015	25%	3.25

Source: Data taken from Ministry of Justice, [Proven reoffending data tool](#), 27 April 2017

66. Concern was raised with us that the 2011 baseline for reoffending was an unfair measurement in which to compare CRC performance against in terms of reducing reoffending. We have identified that CRCs might be being penalised for increases in

103 Ministry of Justice, [Final and Interim Proven Reoffending statistics for the Community Rehabilitation Companies and the National Probation Service](#), 25 January 2018, p1

104 Ministry of Justice, [Transforming Rehabilitation: A revolution in the way we manage offenders](#), Cm 8517, January 2013, p18

105 Ministry of Justice, [Final and Interim Proven Reoffending statistics for the Community Rehabilitation Companies and the National Probation Service](#), 25 January 2018

106 See for example: YSS Ltd ([TRH0056](#)); Seetec ([TRH0036](#)); Reducing Reoffending Partnership ([TRH0037](#)); and MTCnovo ([TRH0067](#))

107 Working Links ([TRH0080](#))

the frequency rate of reoffending that took place prior to the TR reforms and them taking over running probation services, however, this does not appear to be the case for the binary rate of reoffending. *In response to this Report the Ministry should set out whether the 2011 baseline for reoffending is the correct measure against which CRC performance should be assessed. If the Ministry believes that the 2011 baseline remains the correct measure it should set out its reasons why.*

67. There was also criticism of the payment by results (PbR) mechanism. For example, YSS Ltd explained that “the incentives [PbR] for reducing reoffending for the CRCs [were] very few compared with the rest of their contractual requirements, so they are almost de-incentivised to reduce reoffending”.¹⁰⁸ Dame Glenys Stacey was also critical of the PbR element of the contract, and explained that it was “only a small proportion” of the contract payment (over the lifetime of the contract it was expected to rise from 6% to 28% of the contract value). Dame Glenys also questioned the evidence base of PbR: “There is mixed evidence to suggest that it stimulates innovation, but there is clear evidence to suggest that it has a mischievous history of inadvertently promoting paradoxical outcomes”.¹⁰⁹

68. Conversely, the Minister explained to us that the Ministry had expected the PbR element of the contract to act as an incentive to reduce reoffending:

We hoped that by tying such an enormous amount—nearly 20% of the pay-out—to reoffending, we were giving a huge driver to the CRCs to make sure that they did not go through the motions, tick boxes or do things that they did not think reduced reoffending, because their entire financial viability really depended on reducing reoffending and not going through the motions.¹¹⁰

69. Some witnesses also questioned whether it was fair to assess CRCs on reducing reoffending.¹¹¹ Users of probation told us in oral evidence that preventing reoffending was not something that was solely in the hands of the probation service.¹¹² Andy Keen-Downs, Chief Executive Officer of Pact, a national charity that supports prisoners and their families to make a fresh start, made a similar point and explained that: “Most of the services that genuinely reduce reoffending and aid rehabilitation are outside the scope and control of TR. They are about housing, mental health, addiction, health”.¹¹³ HM Chief Inspectors of Probation and Prisons explained in their Report on Through the Gate resettlement services for short-term prisoners that expectations needed to be “tempered” and “success in individual cases [was] by no means guaranteed even when everything possible [was] done”.¹¹⁴

70. CRC performance in reducing reoffending, particularly the frequency rates, has been disappointing. The payment by results mechanism in the contracts with CRCs is not working as a sufficient incentive to drive improvement. However, we are not convinced that CRCs should carry full responsibility for poor performance in reducing

108 [Q131](#)

109 [Q301](#)

110 [Q349](#)

111 See for example Dr Rebecca Marples, Professor Charlie Brooker and Dr Coral Sirdifield ([TRH0095](#)).

112 [Q36](#)

113 [Q123](#)

114 Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016, p3

reoffending as many of the factors that impact on reoffending are outside the control of probation services. *In response to this Report the Ministry of Justice should review the payment by results mechanism and set out where it should be amended.*

71. It was drawn to our attention that CRC providers did not receive information on who was reoffending and how frequently those offenders were reoffending. We were told that due to the lack of this information it was difficult for the providers to know what the CRC could have done differently in supporting that offender and to reduce their risk of reoffending. This makes it hard for CRCs to adjust and improve their practice and does not facilitate achieving a key aim of the TR reforms: to reduce reoffending. We did not explore during our inquiry what information, if any, providers, including CRCs were provided with on those individuals who reoffended. ***By January 2019, when the next annual cohort data is released on final binary and frequency reoffending performance, the Ministry should ensure that CRCs receive full data relating to which of their offenders reoffended.***

Tackling underperformance

72. One means by which CRCs can be penalised for poor performance is through ‘service credits’ (see footnote for explanation).¹¹⁵ The National Audit Office (NAO) found in its December 2017 Report that the Ministry had raised more ‘service credits’ than it had applied (i.e. the MoJ did not impose all the penalties that it had proposed). It found that the Ministry had:

- allowed CRCs to reinvest £3.3 million back into services (42%);
- waived £2.2 million (29%);
- applied £2 million (27%); and
- is negotiating with CRCs for service credits worth £102,000 (1%).¹¹⁶

The Ministry of Justice explained to the NAO its reasoning behind not applying all service credits, including:

that it had waived service credits where it had agreed with CRCs that factors beyond their control have led to under-performance or where updated data show that service credits should not have been raised. It told us that the value of service credits raised are reinvested by CRCs in services where they have made a business case to the Ministry to do so.¹¹⁷

The Minister made similar points to us in evidence and implied that CRCs had made some progress in reducing reoffending (binary but not the frequency measure) so it was not proportionate to impose all penalties. The Minister also told us that the Ministry would

115 Applying a ‘service credit’ means that the Ministry would deduct a specified amount from its ‘fee for service’ payment to CRCs.

116 National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice, HM Prison & Probation Service: Investigation into changes to Community Rehabilitation Company contracts](#), HC 676, December 2017, p20

117 National Audit Office, [Report by the Comptroller and Auditor General: Ministry of Justice, HM Prison & Probation Service: Investigation into changes to Community Rehabilitation Company contracts](#), HC 676, December 2017, p20

terminate contracts if performance did not improve.¹¹⁸ The Minister’s answers suggested that service credits and the threat of contract termination were the only tools being used to address underperformance.

73. HM Chief Inspector of Probation explained that service credits should be used proportionately: service credits “should not be eye wateringly punitive. They are the clawbacks for failing to meet a target”.¹¹⁹

74. We remain unclear as to how the Ministry is tackling underperformance of CRCs on a day-to-day basis if it is not applying service credits. It is concerning that only 27% of service credits raised by the Ministry between July to September 2015 and April to June 2017 were applied. In response to this Report the Government should set out what other steps it is taking to address underperformance of CRCs, including in cases where service credits are not applied.

NPS/CRC split

75. As described in Chapter two, the Transforming Rehabilitation reforms split the delivery of probation services in two, with the National Probation Service (NPS), a public-sector body, managing high-risk offenders, and Community Rehabilitation Companies (CRCs), mainly owned by private companies, managing low or medium-risk offenders. The Diocese of Worcester Criminal Justice Affairs Group raised concern in written evidence about the “arbitrary” nature of the split, and argued that it did not:

recognise that all offenders present a risk of re-offending and some a risk of harm, and that splitting provision based upon arbitrary risk assessments fragments the services received by offenders and jeopardises public protection.¹²⁰

HM Chief Inspector of Probation was similarly critical of probation services having been split by risk as “risk moves” (i.e. an offender could be initially classified as low or medium risk and thus be allocated to the CRC, but over the course of their sentence could move to be high-risk and therefore should be supervised by the NPS).¹²¹ Dame Glenys Stacey argued that what was more important was an “enduring, professional, supportive, challenging relationship that must exist between an individual and his probation worker”, “statutory partnerships locally”, and “the necessary provision of local specialist services”.¹²²

76. We are unconvinced that splitting offenders by risk was the right way to split the probation system. Splitting the system in such a way does not recognise that the risk of harm an individual poses can change over time. Should the Government decide that probation services should continue to be delivered as per the Transforming Rehabilitation reforms, we recommend that the Government should ask HM Inspectorate of Probation to conduct a review of how best offenders should be distributed between the NPS and CRCs, and to investigate the impact of changing offender risk and how the NPS and CRCs manage this matter.

118 [Q352](#)

119 [Q301](#)

120 Diocese of Worcester Criminal Justice Affairs Group ([TRH0019](#))

121 [Q131](#) and see also Mr Nariman Dubash ([TRH0012](#)); Adaptus Consulting LLP ([TRH0041](#)); Centre for Justice Innovation ([TRH0057](#)); Mr Grant Evans ([TRH0098](#))

122 [Q311](#)

77. Staff had also been split arbitrarily. Napo, the union, explained in oral evidence that initially the NPS:CRC staff split was 30%:70%. However, the unions estimated that the staff split was now 54%:46%.¹²³ While other witnesses did not focus on the specifics of how the staff were split between the NPS and CRCs, many explained that the NPS-CRC split had led to fragmentation in the service and created a “two-tier” system.¹²⁴ Those who gave evidence to us, including providers, the voluntary sector and some Police and Crime Commissioners, explained that it had created extra levels of “bureaucracy”.¹²⁵ HM Chief Inspector of Probation agreed with this observation and commented in her Annual Report for 2017 that “there is now a two-tier and fragmented service, with individuals being supervised by the NPS more effectively overall”.¹²⁶ A few submissions, including those from individuals who were or who had been working in the probation sector, highlighted that risk to public protection had increased following the TR reforms.¹²⁷ For example, Roger Statham, who has 49-years’ experience in probation, told us that the NPS-CRC split had “created systemic dissonance, and reduced the capacity of the service to work effectively. As a consequence, risk to the community has increased significantly”.¹²⁸

78. Sonia Crozier, Director, Probation, and Executive Director, Probation and Women, at the NPS, explained that they had sought to put in place national structures “to resolve some of the issues that we know have been getting in the way”.¹²⁹ Ian Barrow, Probation Divisional Director Wales, NPS, explained that at a local level he did not recognise a “two-tier” system, or a system where one side “felt in charge”. He explained that “service integration meetings [were held] locally with senior managers from the National Probation Service and the CRC and contract management”.¹³⁰ We heard in oral evidence from CRCs about the collaborative work being undertaken between them and the NPS, but these CRCs in written evidence explained that “critical” problems remained and their relationship with the NPS was a “key area of concern” (mainly relating to the CRCs’ access to sentencers).¹³¹ The Ministry explained that challenges remained in the working relationships between the NPS and CRC, but implied that it was hopeful that there would be improvement as the relationships between the two “were still maturing”.¹³²

79. The splitting of probation services between the National Probation Service and Community Rehabilitation Companies has complicated the delivery of probation services and created a “two-tier” system. Although we heard about joint working going on at a local and national level, problems in the relationship remain.

123 [Q98](#)

124 See for example: UNISON ([TRH0045](#)), Dr Lawrence Burke, Dr Matthew Millings and Mr Stuart Taylor ([TRH0053](#)), Napo, the Trade Union and Professional Association for Probation and Family Court Staff ([TRH0059](#)), [Q108](#) and [Q114](#).

125 See for example: APCC ([TRH0064](#)), PCC for Hertfordshire ([TRH0065](#)), [Q136](#), [Q143](#), [Q146](#) and [Q243](#).

126 HM Inspectorate of Probation, [2017 Annual Report](#), 14 December 2017, p6

127 See for example, Diocese of Worcester Criminal Justice Affairs Group ([TRH0019](#)), Mr Grant Evans ([TRH0098](#)) and A Probation Officer 2 ([TRH0099](#)).

128 Roger Statham ([TRH0008](#)).

129 [Q274](#)

130 [Q274](#)

131 See for example [Q217](#), [Q225](#), Seetec ([TRH0036](#)) and Sodexo Justice ([TRH0061](#)).

132 At present the NPS can re-assess the risk of an offender either for any offenders that it is supervising (deescalating) or at the request of the CRC for offenders they are supervising (escalating). Ministry of Justice ([TRH0032](#)).

Rate Card

80. One of the ways that CRCs and the NPS are meant to have regular contact is through the ‘Rate Card’. The Rate Card is the list of available specialist services and programmes that CRCs offer (including programmes to address aggression, alcohol and drugs and programmes to help develop skills and build better relationships), which the NPS can purchase from the CRC.

81. HM Chief Inspector of Probation told us that the Rate Card was “symbolic of all the problems with the system”. She went on to explain: “It is carrying a tremendously heavy load. It looks like a cumbersome and overly complex mechanism and it is very difficult to keep it up to date”.¹³³ Clinks, the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system, explained how problems with the Rate Card “created a barrier between charities and the NPS”.¹³⁴ Clinks drew the Committee’s attention to a recommendation that it had made in a report, which called for transparency relating to the CRC supply chain (i.e. the organisations involved in delivering services).

82. The NPS’s written submission to the Committee’s inquiry highlighted that there had been problems with the Rate Card since the beginning of the TR changes:

Preparation of the rate cards by some CRCs took longer than expected, but all providers now have cards in place. The NPS perception is that the rate-card relationship works best where there are strong direct links between the NPS Division and the CRC, to reinforce the contract management arrangements.¹³⁵

Day-to-day problems with the Rate Card had continued. Lynda Marginson, Probation Divisional Director North East, NPS, described the Rate Card system as “quite clunky” and noted that there could be problems going through the processes, including NPS processes, to request the service.¹³⁶ Some witnesses, including CRC providers such as Working Links, agreed that the Rate Card processes acted as a “disincentive” to NPS staff to use CRC services.¹³⁷ Nacro noted in its written submission that in some areas it had recently seen an increase in the use of Rate Card services and it thought that this might be due to CRCs providing greater clarity on their services.¹³⁸

83. Dame Glenys Stacey also explained that there were two cultural issues related to the use of the Rate Card. The first related to the purchasing of services. Dame Glenys confirmed in oral evidence what we had learned from our conversations with those in the probation sector—the costs associated with probation services were a shock to those in the public sector:

I imagine professional staff in probation services looking at that rate card and a description of what is going to be delivered, wondering about the quality of it, and then looking at the price tag and thinking, “You must be joking.”¹³⁹

133 [Q323](#)

134 [Clinks \(TRH0060\)](#)

135 [National Probation Service \(TRH0034\)](#)

136 [Q258](#)

137 [Working Links \(TRH0080\)](#). See also for example [Seetec \(TRH0036\)](#) and [Pact Futures CIC \(TRH0050\)](#).

138 [Nacro \(TRH0078\)](#)

139 [Q323](#). See also, for example, [Pact Futures CIC \(TRH0050\)](#).

The second cultural issue was that the NPS did not have a consistent policy on commissioning services and despite the NPS getting additional funding it had no obligation to spend that on CRC Rate Card services.¹⁴⁰

84. Pact recommended that there should be a requirement for the NPS to contract directly with the supply chain to increase the NPS's buy in and their understanding of the services on offer, rather than to continue using the Rate Card.¹⁴¹

85. Sonia Crozier of the NPS explained that nationally work had been going on to improve the Rate Card. Changes had been agreed, including for the 2018–19 financial year, which meant that the NPS would “have advance purchase orders with the CRCs, particularly around the high-volume elements” the NPS buys so that the CRCs had greater certainty.¹⁴² This was a proposal also made by Sodexo, a CRC parent company, in its written submission to the Committee.¹⁴³

86. The Ministry of Justice explained in its written evidence that it had streamlined the process by which the NPS could purchase resettlement services from CRCs for offenders who were in custody in a different area to their home.¹⁴⁴

87. We note that some improvements appear to have been made regarding the Rate Card in recent months and in some areas there has been an increase in the use of Rate Card services. Nonetheless, we are concerned that both the NPS and CRCs have found, and continue to find, the process overly cumbersome. *The Ministry of Justice should assess whether it remains appropriate to encourage the NPS to use CRC Rate Card services, or whether the NPS should be liberalised to develop its own supply chain as a matter of course.*

Accountability

88. A number of witnesses, including Police and Crime Commissioners, explained that the TR reforms had weakened local partnership working.¹⁴⁵ For example, Unison explained in oral evidence that local networks between probation providers and other organisations, including sentencers, had been affected by the Transforming Rehabilitation reforms.¹⁴⁶ Napo noted that there had been some improvement recently in local partnership working, for example, the local probation sentencer forums, bringing together sentencers and providers were now meeting again, which was positive.¹⁴⁷

89. Napo called for a “locally accountable commissioning body” to be set up. They were also concerned that some Police and Crime Commissioners (PCCs) currently “[knew] nothing about what the providers in their area [were] supposed to be doing”.¹⁴⁸ We heard

140 HM Inspectorate of Probation, [2017 Annual Report](#), 14 December 2017, p88

141 Pact Futures CIC ([TRH0050](#)). See also, for example, Clinks ([TRH0060](#)).

142 [Q260](#)

143 Sodexo Justice ([TRH0061](#))

144 Ministry of Justice ([TRH0032](#))

145 Police and Crime Commissioners are elected to make sure that local police meet the needs of the community. They often sit on local boards, such as those relating to health and wellbeing, local strategic partnerships and community safety partnerships, to address issues of local interest.

146 [Q102](#). See also for example, Northamptonshire Police and Crime Commissioner ([TRH0010](#)), Office of the Avon & Somerset Police & Crime Commissioner ([TRH0043](#)), Clinks ([TRH0060](#)), APCC ([TRH0064](#)), PCC for Hertfordshire ([TRH0065](#)) and Mr Tony Knivett/John Budd ([TRH0093](#)).

147 [Q107](#)

148 [Q111](#)

from a number of other witnesses that PCCs should have a role in local accountability of probation.¹⁴⁹ David Lloyd, Chair of the Association of Police and Crime Commissioners and PCC for Hertfordshire, explained in evidence to us that “the role of the PCC [was] a local government role. It [was] about leadership in the local area”, and if something went wrong the PCC should be the one “who carrie[d] the can for that”.¹⁵⁰ Mr Lloyd envisaged a role for PCCs in commissioning contracts with CRCs, in administering the local criminal justice budget and in holding CRCs to account.¹⁵¹

90. The Transforming Rehabilitation changes have weakened local partnership working and local accountability, meaning there is less joined-up working and collaboration at a local level. We recommend that in response to this Report the Ministry of Justice should set out its vision for future local accountability of probation and the role that Police and Crime Commissioners might play.

149 See for example, Northamptonshire Police and Crime Commissioner ([TRH0010](#)), Sussex Police and Crime Commissioner ([TRH0015](#)), Office of the Avon & Somerset Police & Crime Commissioner ([TRH0043](#)), PCC for Hertfordshire ([TRH0065](#)), Police and Crime Commissioner for North Yorkshire ([TRH0070](#)), Women in Prison ([TRH0076](#)), Office of Police and Crime Commissioner Devon and Cornwall ([TRH0083](#)), PCC for Cleveland and Crime and Victims' Commissioner for Durham ([TRH0085](#)), Centre for Social Justice ([TRH0086](#)) and Mr Tony Knivett/John Budd ([TRH0093](#)).

150 [Qq180–182](#)

151 [Q190](#)

4 Providers and working relationships

91. In this Chapter we examine the problems in probation relating to providers and their working relationships with others in the criminal justice system, including the voluntary sector and the courts. We also explore some of the key challenges facing staff in the probation sector.

The voluntary sector

92. As explained earlier in this Report an aim of the Transforming Rehabilitation (TR) changes was to “open up the market”, including to the voluntary sector.¹⁵² In December 2013 when the then Justice Committee discussed the TR reforms (before they were implemented) with the then Secretary of State, Chris Grayling MP, he explained this objective and pointed out that the voluntary sector had “enormous skills” which it could bring to probation.¹⁵³ He also implied that he expected the voluntary sector to be well-represented at CRC parent company level as bids had been received from “a very good mix of private and voluntary sector [organisations], often in partnership”.¹⁵⁴ Mr Grayling assured the then Committee that safeguards would be in place to ensure that providers engaged the voluntary sector:

If the big guy duffs up the little guy, we can duff up the big guy. We will have mechanisms in place to say, “If you make a material change to your structure and supply chain, you have to tell us first.” If it is wholly unreasonable, ultimately, we will have power to withdraw the contract.¹⁵⁵

Involvement of the voluntary sector

93. We heard from a number of witnesses, including CRC parent companies, about the benefits of the voluntary sector, especially the smaller and more local voluntary sector organisations.¹⁵⁶ For example, Seetec, a CRC parent company, told us in oral evidence that CRCs could provide many of the services that larger voluntary sector organisations provided, but smaller, more niche providers “truly understand a very small cohort [and] get results”.¹⁵⁷ Sodexo, another CRC parent company, told us that “incredibly good sets of arrangements in a particular town” were characteristic of smaller, local organisations.¹⁵⁸ The charity Shelter suggested in their oral evidence that the system was experiencing a lack of local input: they advocated opportunities “to encourage more organisations locally to get involved to meet local needs”.¹⁵⁹

152 Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), Cm 8619, May 2013, p6

153 Oral evidence taken before the Justice Committee on 4 December 2013, HC (2013–14) 94, [Q179](#)

154 Oral evidence taken before the Justice Committee on 4 December 2013, HC (2013–14) 94, [Q211](#)

155 Oral evidence taken before the Justice Committee on 4 December 2013, HC (2013–14) 94, [Q246](#)

156 See for example [Q190](#). Evidence also suggested that smaller organisations tended to be more specialist and local, see for example, Dr Christine Hough ([TRH0027](#)), Shelter ([TRH0030](#)), Ministry of Justice ([TRH0032](#)), Seetec ([TRH0036](#)), Centre for Justice Innovation ([TRH0057](#)), Clinks ([TRH0060](#)), Working Links ([TRH0080](#)), Switchback ([TRH0084](#)) and Association of Police and Crime Commissioners ([TRH0109](#)).

157 [Q236](#)

158 [Q222](#)

159 [Q222](#)

94. Napo told us that regardless of where people stood on the TR reforms, “nobody in probation would have argued against an enhanced role for the third sector”.¹⁶⁰ Nacro, a national social justice charity and a partner of the Sodexo CRC, told us that this aim of the Government to open up the market “had not materialised”.¹⁶¹ In April 2018 HM Inspectorate of Probation produced a Report on Probation Supply Chains, which confirmed what we had heard in evidence—the voluntary sector was less involved in probation following the TR reforms:

It seems that the third sector is less involved than ever in probation services, despite its best efforts; yet, many under probation supervision need the sector’s specialist help, to turn their lives around.¹⁶²

Research findings published in May 2018 from Clinks, a national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system, provided further such evidence of low voluntary sector involvement. Of the 132 organisations who responded to their survey, 35% received funding from CRCs and just two organisations received funding from the NPS (it should be noted that the respondents were not directly representative of the whole voluntary sector working in criminal justice so caution is needed with regard to drawing generalisations from the figures).¹⁶³

95. In oral evidence, YSS Ltd, a charity, explained that with regard to voluntary sector involvement it felt like they had “taken a step back”.¹⁶⁴ Shelter told us that the reason for this reduced involvement was the financial pressures facing CRCs which had resulted in them having to make budget cuts.¹⁶⁵ YSS Ltd. told us in oral evidence that their funding from their local CRC had been cut due to the CRC’s financial constraints but the CRC had made very clear that they did not want to make such cuts.¹⁶⁶

96. Pact, a charity, told us in oral evidence that Transforming Rehabilitation had “opened up the market to a greater extent for larger organisations that have more capital, a bigger capital base and bigger capability to manage the risk involved”.¹⁶⁷ They also explained that they were one of the few small and medium-sized organisations in the market.¹⁶⁸ Switchback, a charity, claimed in oral evidence that “most of the smaller voluntary sector organisations work[ed] outside the formal contracting framework” due to the contractual pressures.¹⁶⁹ Nacro acknowledged that smaller organisations had been pushed out of the market, but did not agree that larger organisations had gained from this:

160 [Q102](#)

161 [Q121](#). See also Dr Christine Hough ([TRH0027](#)).

162 HM Inspectorate of Probation, [Probation Supply Chains: A thematic inspection by HM Inspectorate of Probation](#), April 2018, p5

163 Clinks, [tracktr: Under represented, Under pressure, Under resourced: The voluntary sector in Transforming Rehabilitation](#), April 2018, p7

164 [Q122](#)

165 [Q124](#)

166 [Q125](#). See also PACT Future ([TRH0114](#)). The National Probation Service have also reportedly had to withdraw funding from the voluntary sector, see for example, statement by John Samuels QC, [False economy? Withdrawal by the National Probation Service of funding for Circles support and accountability](#)

167 [Q121](#). See also: Shelter ([Q119](#)), Dr Christine Hough ([TRH0027](#)) and Mr Jonathan and Gareth Evans ([TRH0040](#)).

168 [Q121](#)

169 [Q150](#). See also Agenda ([TRH0038](#)) and Langley House Trust ([TRH0110](#)).

There is a misconception that larger charities, such as Nacro, benefited from [complicated contracts], because pre the work we are doing in TR, our volume of work was three times higher than we are doing now in transforming rehabilitation.¹⁷⁰

Details of CRC supply chains are not published and some witnesses called for there to be greater transparency.¹⁷¹

97. While witnesses largely acknowledged the valuable role of the voluntary sector, a small number cautioned against using the voluntary sector as a matter of course.¹⁷² For example, Andrew Bridges, HM Chief Inspector of Probation between 2004 and 2011, explained:

It is [...] illogical and counter-productive for the MoJ or HMPPS to require CRCs to subcontract to voluntary organisations as an end, even when the CRC has calculated that it can provide the relevant service itself more economically and effectively.¹⁷³

98. The Minister did not agree that the voluntary sector was less involved and in oral evidence told us that the Government had “increased the number of voluntary sector partners compared with what happened under public sector provision”.¹⁷⁴ He did acknowledge though that larger voluntary sector organisations tended to be more involved: “It is certainly true that some of the smaller third sector organisations feel less involved. Larger third sector organisations [...] are more involved”.¹⁷⁵ However, he explained that the voluntary sector might feel less supported now as “they existed in a better funding environment seven or eight years ago”.¹⁷⁶ In Justice oral questions on 24 April, the Minister explained that the challenge for the Government was to make “sure that when we work with the third sector we work, not with big national providers, but with small, grassroots local charities”.¹⁷⁷

99. In follow-up evidence the Minister told us that one CRC consortium included a voluntary sector organisation, three larger voluntary-sector organisations were partners for CRCs and there were approximately 90 voluntary sector organisations operating as part of CRC supply chains. He was unable to provide an assessment of how this compared to the pre-TR system as “[Probation] Trusts did not routinely collect data on the level or value of voluntary sector involvement in their services”.¹⁷⁸

100. In our view the Government has failed to open up the probation market, a key aim of the Transforming Rehabilitation reforms. We are not convinced by the Minister’s comments that the voluntary sector is more involved in probation than before the TR reforms. The decreased involvement of the voluntary sector, especially that of smaller local organisations, is deeply regrettable and reduces the quality and array of services

170 [Q121](#). See also Association of Police and Crime Commissioners ([TRH0109](#)) for reduced role of smaller voluntary sector organisations.

171 Ministry of Justice ([TRH0118](#)). See also, Agenda ([TRH0038](#)).

172 See for example written evidence from Seetec ([TRH0036](#)).

173 Mr Andrew Bridges ([TRH0005](#))

174 [Q372](#)

175 [Q372](#)

176 [Qq372–373](#)

177 HC Deb, 24 April 2018, [col 715](#)

178 Ministry of Justice ([TRH0118](#))

available to individuals on probation. This has resulted in fewer local and specialist services being offered. We are concerned that currently the details of supply chains of probation providers are not publicly available and therefore it is not possible to fully assess the scale of the voluntary sector's involvement. *We recommend that from 1 February 2019 the Ministry of Justice should publish information on probation supply chains for each CRC area and NPS region on a quarterly basis. This should include information on all sub-contractors (not just those in the voluntary sector) and the monetary value of the sub-contracts.*

101. Dame Glenys told us that targets did not exist for CRCs on the proportion of their supply chain which should be provided by the voluntary sector.¹⁷⁹ The Inspectorate's report on probation supply chains explained that at the contract bidding stage CRCs had been required to include details of their supply chains plans, including the involvement of the voluntary sector. However, "CRC intentions (as expressed in their bids) were not then hard wired into CRC contracts".¹⁸⁰ CRC companies also told us that their use of the voluntary sector had not been as high as they had anticipated due to the cumbersome and inflexible contracting arrangements.¹⁸¹ YSS Ltd. proposed that targets should be reintroduced for the minimum proportion of the CRC's budgets "to be spent on voluntary sector provision".¹⁸² In follow-up evidence the Minister explained that although there had been targets on voluntary sector involvement under the pre-TR probation system these targets were "often not met".¹⁸³

102. **The evidence is mixed on what effect the introduction of targets for voluntary sector involvement might have on their participation in CRC supply chains. We recommend that the Ministry of Justice should consider, in response to this Report, what benefits might be gained from reintroducing targets for each Community Rehabilitation Company on the proportion of its budget which should be spent on voluntary sector provision, and whether involving some of the smaller, more specialised voluntary sector organisations could be incentivised.**

Contractual barriers to further involvement of the voluntary sector

103. We heard about issues relating to providers being able to sub-contract to the voluntary sector through the Industry Standards Partnering Agreement (ISPA). On their website Clinks summarised the purpose and requirements of ISPAs:

To protect and strengthen the position of Tier 2 and Tier 3 providers in the current market, the MoJ and NOMS have drawn up a set of market stewardship principles, which can be found in the Principles of Competition document and an Industry Standard Partnership agreement (ISPA). Tier 1

179 [Q322](#)

180 HM Inspectorate of Probation, [Probation Supply Chains: A thematic inspection by HM Inspectorate of Probation](#), April 2018, p12

181 [Q222](#) and [Qq234-235](#)

182 YSS Ltd ([TRH0056](#))

183 Ministry of Justice ([TRH0118](#))

providers will be required to sign an ISPA with Tier 2 organisations in their supply chain, and it is intended to be seen as good practice for working with Tier 3 organisations.¹⁸⁴

104. In oral evidence Sodexo and Seetec described ISPA as having “created some fairly cumbersome arrangements”, which were acting as a barrier to involving voluntary sector organisations. HM Chief Inspector of Probation explained that the ISPA document was 60-pages long.¹⁸⁵ We discussed earlier in this Report the benefits particularly of smaller voluntary sector organisations. In oral evidence, CRCs explained that they thought the arrangements were not “appropriate for some very small organisations, where [they] would otherwise be contracting on much more flexible arrangements and much more locally”.¹⁸⁶ Andy Keen-Downs, Chief Executive of Pact, a voluntary sector CRC sub-contractor, made similar points and explained that in order to secure their sub-contracts they had “spent tens of thousands of pounds on legal and professional fees just to read the contracts and negotiate them”. He explained that this would not be possible for smaller organisations.¹⁸⁷

105. The Minister agreed that contracting processes, not just in the probation context, disadvantaged smaller organisations:

Small local organisations often feel, quite rightly, that they are disadvantaged when they are bidding, [...] against big national charities that have much bigger grant proposal writing teams that can offer economies of scale, but often lack the local links and local knowledge on the ground to deliver programmes properly.¹⁸⁸

106. The Industry Standards Partnering Agreements (ISPA) are cumbersome for both probation providers and the voluntary sector, especially smaller organisations, and others who might reasonably form part of the probation supply chain. By 1 February 2019, the Ministry of Justice should review the ISPA, with a view to reducing its length and complexity. The Ministry should write to the Committee after that review to set out the changes that it has made.

Working with the courts

107. Section 4 of the Offender Management Act 2007 provides that “the giving of assistance to any court in determining the appropriate sentence to pass, or making any other decision, in respect of a person charged with or convicted of an offence” is reserved to “a probation trust or other public body”.¹⁸⁹ In practice this means that only the National Probation

184 Tier 1 providers are the main contractors and are contracted by the Ministry of Justice, they can sub-contract another provider (Tier 2) to supply a service and Tier 2 providers can sub-contract another provider (Tier 3) to supply services. Clinks, “[Subcontracting under TR](#)”, accessed 25 May 2018

185 [Q322](#)

186 [Q222](#). See also Dr Christine Hough ([TRH0027](#)). why me? ([TRH0096](#)), and [Q236](#)

187 [Q123](#). See also, Anawim ([TRH0007](#)); Clinks ([TRH0060](#)); and Women in Prison ([TRH0076](#)).

188 [Q372](#)

189 Offender Management Act 2007, [section 4](#)

Service, and not Community Rehabilitation Companies, can submit pre-sentence reports (see footnote for definition) and provide advice to the courts.¹⁹⁰ The NPS has a dedicated team of report writers servicing the courts.¹⁹¹

108. HM Inspectorate of Probation published a thematic report in June 2017 on the work of probation services in courts.¹⁹² In its submission to the Committee, the Inspectorate highlighted the key findings from that report, including that:

- “the NPS did not assess the risk of an individual going on to cause serious harm well enough overall, but the NPS were serving the court well in most other respects, having made determined steps to improve court reporting nationally”; and
- “most cases [...] go on to be managed by CRCs, and while NPS reports generally met the court’s needs, they were less likely to be full enough for CRCs to promptly commence planning”.¹⁹³

109. The Magistrates’ Association (MA) expressed concern to our predecessor Committee in 2013 about changes being made which would allow private companies (i.e. CRCs) to advise the courts. They were concerned that this might “lead to game playing by many of the providers”.¹⁹⁴ While this was not an issue that was raised in submissions to this inquiry we have borne it in mind when considering the points raised by witnesses.

110. The Howard League for Penal Reform, among others, told us they believed that the lack of direct contact between CRCs and the courts was damaging sentencer confidence, especially with regard to community alternatives to custody, an issue which we return to in the next Chapter.¹⁹⁵ The Magistrates’ Association expressed the view that sentencers had “too little information” about services provided by CRCs.¹⁹⁶ Sonia Crozier from the National Probation Service stressed in evidence the importance of the NPS working with CRCs “to ensure that there [was] confidence in the options that we are recommending”.¹⁹⁷

111. CRC providers were also dissatisfied with their lack of direct access to the courts, and in oral evidence Sodexo called for “direct access between CRCs and the courts in any reiteration of this”.¹⁹⁸ The trade unions were concerned about the lack of interface between CRCs and the courts, but welcomed improvements that were brought about by local sentencer forums, which had helped to improve the relationship between CRCs and sentencers.¹⁹⁹

190 [Pre-sentence reports](#) are prepared under Section 156 of the Criminal Justice Act 2003 by the probation service before a custodial or community sentence is ordered. They should include an assessment of the nature and seriousness of the offence, and its impact on the victim.

191 National Probation Service ([TRH0034](#))

192 HM Inspectorate of Probation, [The work of probation services in courts: An inspection by HM Inspectorate of Probation](#), June 2017

193 HM Inspectorate of Probation ([TRH0052](#))

194 [Written evidence from the Magistrates’ Association](#) to the Justice Committee’s inquiry Crime reduction policies: a co-ordinated approach?, HC (2013–14) 1004

195 See for example, David Chantler ([TRH0013](#)) and The Howard League for Penal Reform ([TRH0017](#)).

196 Magistrates Association ([TRH0023](#))

197 [Q252](#)

198 [Q244](#)

199 [Q107](#)

112. Other witnesses were more positive about informal arrangements which compensated for CRCs lack of direct access with sentencers. For example, HM Chief Inspector of Probation told us that there were other, more informal ways in which CRCs could positively assist the courts, including by ensuring that “the bench [had] a really clear understanding of what would be delivered should a community sentence be ordered”.²⁰⁰ We heard about some of these more informal ways during our evidence, although it was suggested that practice varied across England and Wales. For example, Suki Binning, Chief Executive of Kent, Surrey & Sussex Community Rehabilitation Company (owned by Seotec), told us in oral evidence that work had been done at a local level to improve sentencer awareness of services provided by CRCs. In her CRC’s area she had “sent out [bespoke] data to all [her] magistrates courts and Crown courts demonstrating how [the CRC were] delivering the sentence of the court”.²⁰¹ Similarly, Lynda Marginson, Probation Divisional Director North East, NPS, explained that joint CRC and NPS meetings at a local level in North East England had resulted in better information being available to sentencers and the NPS on what CRCs offered.²⁰²

113. We appreciate that Section 4 of the Offender Management Act 2007 was not amended following the Transforming Rehabilitation reforms as it was felt to be inappropriate for a private company to be able to make commercial gains as a result of advice given to a court. We do not propose that changes should be made to Section 4 of the Offender Management Act 2007. Nonetheless, we are concerned that barriers remain in some areas and adequate information on services delivered by CRCs is not available to sentencers and NPS staff. Arrangements need to be in place consistently across England and Wales which ensure that sentencers are well informed about services offered by CRCs to compensate for CRCs’ lack of direct access to the courts.

Staff

Numbers of staff

114. The National Probation Service identified the need to recruit further staff who “undertake face-to-face work with offenders”. It explained that at 30 June 2017 the NPS employed 8,758 staff and it wished to “increase total staff numbers to 10,714 by 31 March 2018. This include[d] recruiting roughly 1,500 probation officers and probation service officers”.²⁰³ Supplementary written evidence from Sonia Crozier, Director, Probation and Executive Director, Probation and Women, explained that between June and December 2017 the NPS had increased its headcount by 220 to 8,978, thus falling below its aim of 10,714 (although it the figures may not be directly comparable).²⁰⁴ The table below sets out further detail on the changes to the number of NPS frontline probation staff between 31 March 2017 and 31 March 2018, as published in HMPPS’s annual workforce statistics:

200 [Q332](#)

201 [Q210](#)

202 [Q274](#)

203 National Probation Service ([TRH0034](#))

204 National Probation Service ([TRH0116](#))

Table 2: Band 3, 4 and 5 Probation Officer number, 31 March 2017–31 March 2018

	Band 3 (Probation Service Officers) ²⁰⁵	Band 4 (Probation Officers) ²⁰⁶	Band 5 (Senior Probation Officers)	Total number of frontline staff
31 March 2017	1,709	3,594	610	5,913
31 March 2018	2,357	3,405	648	6,410
Change between 2017 and 2018	+648 (+37.9%)	-189 (-5.3%)	+38 (+6.2%)	+497 (+8.4%)

Source: Data taken from Ministry of Justice, [Her Majesty's Prison and Probation Service \(HMPPS\) Workforce Statistics Bulletin, as at 31 March 2018](#), 17 March 2018

It is not possible to ascertain how many Probation Officers or other case managers work for each CRC as no requirement exists for them to publish such information.²⁰⁷

115. Napo questioned in its written evidence whether the Ministry of Justice was too focussed on prison officer recruitment at the expense of Probation Officer and other case manager recruitment:

[S]taff shortages are as great as in the prison service. Unfortunately, probation recruitment is not a MoJ priority, as seen by at least 16 MoJ and HMPPS tweets promoting recruitment to the prison service in the last two months to no tweets about joining probation.²⁰⁸

We sought assurances from the Minister about the priority being given to the recruitment of Probation Officers and other case managers, particularly those in the NPS, for which the MoJ would have some influence. He assured us that Probation Officers or other case managers recruitment was a “high priority” and that the Ministry was modelling its recruitment campaign “on its successful campaigns for the recruitment of prison officers”.²⁰⁹

116. *We recommend that the National Probation Service and Community Rehabilitation Companies should be required to provide the Ministry of Justice with workforce data on a quarterly basis. This should include information on the recruitment and retention rates for Probation Officers and other case managers by grade, and total workforce numbers by NPS area and CRC. This data should be published by the Ministry as part of its quarterly statistics.*

Morale

117. Unison and Napo agreed in oral evidence that morale was at an “all-time low”.²¹⁰ The South-South West branch of Napo explained that morale was “at a record low” in its area.²¹¹ A Probation Officer described morale as “dire”.²¹² Others agreed that morale had been

205 Probation Service Officers have undertaken a vocational qualification.

206 Probation Officers have successfully completed a combined degree course and vocational qualification.

207 [Q95](#)

208 Napo, the Trade Union and Professional Association for Probation and Family Court Staff ([TRH0059](#))

209 [Q374](#)

210 [Qq85–86](#). See also Inspiring intelligence ltd ([TRH0089](#)).

211 NAPO South-South West branch ([TRH0014](#))

212 A Probation Officer 2 ([TRH0099](#))

negatively impacted by the Transforming Rehabilitation changes.²¹³ Despite this negative overall picture on morale, especially within CRCs, Napo's submission highlighted that there were some pockets of good morale. In its submission Napo provided analysis of performance by each CRC parent company, which drew on the findings of an Inspectorate Report which had found that "staff morale was good, with leaders enjoying the confidence of their staff" at the Seotec-owned CRC.²¹⁴

118. The results of the 2017 staff survey for the National Probation Service either just meet the Civil Service average or fall noticeably below the Civil Service average. In two out of three categories the NPS results are also below the Ministry of Justice average.²¹⁵ The numbers below illustrate the number of respondents who provided a positive score for questions relating to these themes.

Table 3: Staff survey results for 2017

Year	Organisation	Organisational objectives and purpose	Resources and workload	Leadership and managing change
2017	NPS	81%	61%	26%
	MoJ average	78%	67%	35%
	Civil Service average	81%	71%	43%

Source: Created using data from Gov.uk, [Transparency data: Civil Service People Survey: 2017 results](#), 16 November 2017

Since 2014, staff survey results for the NPS have remained broadly stable. Similar data is not readily available for CRCs and therefore it is not possible to compare morale of staff working for the NPS and for CRCs.

119. Probation Officers and other case managers provide an important public duty and it is important that morale within the sector is maintained. We recommend that from 2019 all providers, both CRCs and the NPS, should be required to use the same, or a similar, staff survey each year. Results of those staff surveys should be published for the seven NPS areas and the 21 CRCs.

Training and workload

120. The Centre for Community, Gender and Social Justice at the University of Cambridge linked the issue of morale to high caseload.²¹⁶ We heard in evidence that Probation Officers across the probation sector had high caseloads/workloads.²¹⁷ Some had caseloads of over 150 offenders (either in custody or the community).²¹⁸ HM Inspectorate of Probation's Annual Report for 2017 suggested that in general a distinction could be drawn between the caseloads of NPS staff compared to CRCs:

213 See for example, A former Probation Officer ([TRH0004](#)), UNISON ([TRH0045](#)), Napo, the Trade Union and Professional Association for Probation and Family Court Staff ([TRH0059](#)), Women in Prison ([TRH0076](#)), and A Probation Officer 2 ([TRH0099](#)).

214 Napo, the Trade Union and Professional Association for Probation and Family Court Staff ([TRH0059](#))

215 Gov.uk, [Transparency data: Civil Service People Survey: 2017 results](#), 16 November 2017

216 Centre for Community, Gender and Social Justice ([TRH0024](#))

217 See for example: UNISON ([TRH0045](#)), HM Inspectorate of Probation ([TRH0052](#)), A Probation Officer ([TRH0069](#)), why me? ([TRH0096](#)), and A Probation Officer 2 ([TRH0099](#))

218 [Q131](#)

we generally find NPS staff busy but not exceptionally pressed, and most tell us they can manage their caseloads [...] In some CRCs, staff numbers have been pared down in repeated redundancy exercises, with those remaining carrying exceptional caseloads.²¹⁹

In oral evidence Sodexo explained that there needed to be a distinction between caseloads and workloads as the amount of work attached to supervising an offender varied over the course of their supervision: “there is not a direct relationship between caseload and workload. In our model, quite a lot of the workload is at the beginning and very intensive, but it is less intensive towards the end of an order”.²²⁰

121. We also heard that in some cases Probation Officers and other case managers were dealing with cases for which they were not qualified. The Community & Criminal Justice Division at De Montfort University, which provides a range of undergraduate programmes for aspiring criminal justice practitioners, explained that “some recently recruited, less experienced Probation Service Officers working in CRCs have informed us that they are expected to manage cases involving domestic violence and abuse after receiving only a single day of training on this subject”.²²¹ A Probation Officer explained the impact of such an approach on the workloads of experienced staff: “To compensate, inexperienced staff or staff in other roles have been given case management responsibilities with little or no training. Remaining experienced staff were being allocated unrealistically high caseloads”.²²² Suki Binning, Chief Executive of the Kent, Surrey and Sussex CRC, explained that Probation Instructions existed which provided “clear guidelines about suitably qualified staff” handling particular cases and they were complied with in her area.²²³

122. The Ministry accepted that there had been workforce challenges as a result of the Transforming Rehabilitation changes:

The impact of these changes to volume and caseload mix has been substantial. The NPS caseload increased by 10% between September 2014 and June 2017, creating considerable workforce challenges. Conversely, the weighted volume of work delivered by CRCs is around a third lower than anticipated.²²⁴

In a Westminster Hall debate in February 2018, the Minister, Rory Stewart OBE MP, stated that he did not think that Probation Officers should have caseloads of more than 50 to 55.²²⁵

219 HM Inspectorate of Probation, [2017 Annual Report](#), 14 December 2017, p11

220 [Q237](#)

221 Community & Criminal Justice, De Montfort University ([TRH0055](#)). See also: HM Inspectorate of Probation, [Quality & Impact inspection: The effectiveness of probation work in Northamptonshire: An inspection by HM Inspectorate of Probation](#), April 2017

222 A Probation Officer ([TRH0069](#))

223 [Q239](#)

224 Ministry of Justice ([TRH0032](#))

225 HC Deb, 27 February 2018, [col 277WH](#)

123. Napo told us that there had also been a “de-professionalisation of the Probation service”.²²⁶ Despite a national training programme existing, they questioned its value:

there are concerns about the effectiveness of this training, how accessible it is, and whether cost has overridden quality. The lack of any national oversight also increases the risk of further fracture.²²⁷

The Community & Criminal Justice Division at De Montfort University also raised issues relating to the accessibility of training: workload pressures meant that it was harder for probation staff to undertake training, including the Professional Qualification in Probation (PQiP).²²⁸ Working Links, a CRC parent company, called for more funding to be available for Probation Officer training.²²⁹

124. When questioned about how the sector was responding, via training, to changes in the profile of offenders, especially an increase in the number of sex offenders, Kilvinder Vigurs, Probation Divisional Director London, NPS, explained that the training remit was “robust” and responded to the changes in cases being investigated by the police and going through the courts.²³⁰ Suki Binning also explained that work was underway to align NPS and CRC staff’s professional experience through a national professionalisation board.²³¹

125. Despite the work going on regarding training, the unions called for a Licence to Practice to be introduced. They envisaged that this would include a national standard of practice “so that everyone [was] clear about delivery, standards, safeguards and how we can develop suitable professional training”.²³² Similarly, HMI Probation called on the Government to “develop a probation workforce strategy to ensure the probation profession [was] able to meet demands”.²³³ HM Chief Inspector of Probation, suggested that such a strategy should focus on: “developing the profession as a whole; making sure there [were] enough staff of the right calibre, developing them, and retaining skilled staff”. The Inspectorate also advocated that probation staff “should be supported by a professional body that can manage [...] registration and continuous professional development”.²³⁴ Unison was doubtful that a coherent probation workforce strategy could be developed while the NPS-CRC split remained.²³⁵ We did not question the Minister on these proposals.

126. We are concerned at the caseloads and workloads of probation staff. We are also concerned that there have been some claims that probation staff are handling cases for which they do not have the right training and/or experience. We recommend that the Ministry of Justice should publish a probation workforce strategy, which covers both staff working in the NPS and CRCs, in the next 12 months. As a minimum, the strategy should set out the Ministry’s expectations with regard to professional standards, training, and maximum caseloads/workloads for probation staff. This strategy should be developed in consultation with the trade unions and HM Inspectorate of Probation.

226 Napo ([TRH0105](#))

227 Napo, the Trade Union and Professional Association for Probation and Family Court Staff ([TRH0059](#))

228 Community & Criminal Justice, De Montfort University ([TRH0055](#))

229 Working Links ([TRH0080](#))

230 [Q261](#)

231 [Q218](#)

232 [Q95](#). See also Dr Rebecca Marples, Professor Charlie Brooker and Dr Coral Sirdifield ([TRH0095](#)).

233 HM Inspectorate of Probation ([TRH0052](#))

234 HM Inspectorate of Probation ([TRH0115](#))

235 UNISON ([TRH0102](#))

Data sharing across the system and IT

127. We also heard concerns that different IT systems within the criminal justice system were unable to share information relating to offenders.²³⁶ For example, Napo told us that it was concerned “about the interface between the various systems in the NPS—reporting systems and record systems—and the system being run by the CRCs”.²³⁷ Unison also explained that it was a “quite common occurrence that the NPS court staff [could not] access records at the court on the nDelius system²³⁸ before entering the court” and the impact of this was that NPS staff did not always have the information needed to advise the courts.²³⁹ Shelter explained that sharing information was “quite difficult” as systems did not speak to each other and “different systems [were] being used in prison from probation and out in the community”.²⁴⁰

128. We also heard that the Ministry had moved the “goalposts” on requirements that CRCs’ IT systems had to comply with. Working Links, a CRC parent company, for example, explained that it was:

contractually required to migrate away from the MoJ IT systems and subsequently invested £6.5m into developing our own IT solution. The MoJ then changed approach. Faced with a higher cost to continue than to turn back, we opted to halt our development and continued use of the MoJ existing IT systems. The resources we invested have not been compensated for and would otherwise have been available to invest in our frontline probation services.²⁴¹

129. In oral evidence Seotec, another CRC parent company, explained that “security constraints” had acted as a barrier to greater integration and practitioners being able to access information on the go. However, their Managing Director, John Baumbach, explained in oral evidence that technical solutions existed to safeguard data, such as those currently being used by Children’s Services.²⁴² Sonia Crozier, NPS, explained that there were some joint systems in place within the probation sector. She explained that the NPS were close to implementing ViSOR, the Dangerous Persons Database, used by police and probation.²⁴³

130. In response to a Report from the Committee of Public Accounts and in evidence to us the Ministry implied that a solution had been found for some of these problems and was in the process of being implemented: “The Strategic Partner Gateway, which allows providers to link their ICT systems to HMPPS systems, has been in place since September 2016”.²⁴⁴ HMI Probation, in its written submission in November 2017, explained that their understanding was “that CRCs [were] still waiting for the implementation of the much

236 See for example The Salvation Army ([TRH0011](#)).

237 [Q104](#)

238 nDelius is the national (England and Wales) public-sector offender case-management system.

239 [Q104](#)

240 [Q128](#)

241 Working Links ([TRH0080](#))

242 [Qq222–223](#)

243 [Q263](#)

244 Ministry of Justice ([TRH0032](#)) and HM Treasury, [Treasury Minutes: Government response to the Committee of Public Accounts on the Twentieth to the Thirtieth reports from Session 2017–19](#), Cm 9618, May 2018, p36

needed strategic IT gateway”. This, coupled with financial pressures, had meant that no CRC had been able to “fully implement the new systems they [had] planned and invested in”.²⁴⁵

131. We are concerned that problems remain regarding data sharing across the criminal justice system. It is disappointing that CRCs have spent large sums of money developing IT systems to meet the Ministry’s contractual requirements, only for the MoJ to move the goalposts. *By 1 February 2019, the Ministry of Justice should ensure that security constraints and IT barriers which prevent data from being shared between organisations involved in managing an offender from the point of arrest, in prison and through to support in the community are proportionate. This should include identifying how the number of IT systems could be rationalised and/or linked so that the same data is not repeatedly inputted into different systems.*

5 Support for offenders on probation

132. In this Chapter we explore short custodial sentences and we also focus on support for offenders and what changes should be made in the short to medium-term, including in relation to Through the Gate services, the types of activities and the frequency of the contact that offenders receive, accommodation, housing, benefits and bank cards. Should the Government move away from the Transforming Rehabilitation reforms, our conclusions and recommendations indicate the minimum standards a new system should meet and areas of best practice.

Short custodial sentences

Short custodial sentences v community sentences

133. In the Scottish Government's Programme for Government for 2017–18, First Minister, Nicola Sturgeon MSP, announced on 5 September 2017, that the Scottish Government would “extend the presumption against short-term sentences from sentences of under three months to sentences of under 12 months”.²⁴⁶ This proposal to extend the presumption to short sentences of less than 12 months has not yet been implemented in Scotland; nonetheless we questioned witnesses on how they thought such a proposal could work in England and Wales.

134. The Centre for Justice Innovation explained in a 2017 Report that since the beginning of the decade “community and suspended sentences have fallen from 16% of all sentences in England and Wales [...] to only 12% today”. They acknowledged that this trend predated TR, but argued that TR had “failed to arrest this decline”. They explained, for example, that the NPS-CRC split had “contributed to an increasing disconnection from the work of probation” and pre-sentence reports were now less specific on activities that an offender would receive.²⁴⁷

135. The average annual cost of prison per prisoner for 2016–17 was £35,371, or £38,042 per prison place (average cost for the available places across the prison estate).²⁴⁸ While no figure is available for the cost of community sentences in 2016–17, data released by the Ministry of Justice for 2011–12 (a pre-TR period) showed that the average cost per Community Order/Suspended Sentence Order was £4,135.²⁴⁹ For the purpose of comparison the average cost per prison place in 2011–12 was £27,851 or £25,722 per prisoner.²⁵⁰ Further, Dame Glenys Stacey, HM Chief Inspector of Probation, explained that there were “cost benefits to Community Orders as opposed to short prison sentences”.²⁵¹ The Centre for Justice Innovation, a research organisation, explained that even the “most expensive intensive community sentences cost just over one tenth of the cost of a prison

246 A presumption against custodial sentences of three months or less is currently in place. Official Report of the Scottish Parliament, 5 September 2017, [col 20](#)

247 Centre for Justice Innovation ([TRH0057](#))

248 Ministry of Justice, [Costs per place and costs per prisoner by individual prison: HM Prison & Probation Service Annual Report and Accounts 2016–17 Management Information Addendum](#), 26 October 2017

249 Ministry of Justice, [Probation Trust Unit Costs Financial Year 2011–12 \(revised\)](#), 28 November 2012

250 Ministry of Justice, [Costs per place and costs per prisoner by individual prison: National Offender Management Service Annual Report and Accounts 2011–12 Management Information Addendum](#), 25 October 2012

251 HM Inspectorate of Probation ([TRH0115](#)). See also Advance charity ([TRH0097](#)).

place per year”.²⁵² The Howard League for Penal Reform also explained that reducing the number of short custodial sentenced offenders would help to alleviate the pressures on the prison system.²⁵³

136. We heard that not only were community sentences more cost-efficient, they were more effective. YSS Ltd. explained in oral evidence that there had been a “chronic overuse of short sentences” and this resulted in people, especially those who were vulnerable, coming out of prison “with even more issues than when they went in”.²⁵⁴ Other witnesses, including HM Chief Inspector of Probation, Clinks, The Prison Reform Trust and MTCnovo, agreed that community sentences were usually more effective in aiding the rehabilitation of offenders.²⁵⁵ Nonetheless, research undertaken by Ministry of Justice officials, which was released in May 2018, found that community alternatives to short-term custodial sentences were more effective for second, third etc, offences: “the impact of court orders in reducing reoffending compared with short-term custody (with no supervision on release) increases with the number of previous offences”.²⁵⁶ However, this research needs to be heavily caveated: the Ministry’s research compared offenders from before the TR reforms and therefore those receiving short custodial sentences did not receive any support on their release.

137. Some witnesses, while supportive of a move towards a presumption against short custodial sentences, advocated for there to be restrictions. For example, in oral evidence Sodexo, a CRC parent company, stated that “for some, it [was] appropriate that short [prison] sentences are handed out by the courts”, although they did not expand on these circumstances.²⁵⁷ In follow-up evidence to the Committee, HM Chief Inspector of Probation explained that in Scotland there had been discussion on which sorts of offences (such as domestic abuse) would not be eligible for a presumption against a short custodial sentence, and advocated that such an approach be taken in England and Wales.²⁵⁸

138. A barrier to introducing a system which favoured community sentences over short custodial sentences was sentencer confidence in custodial alternatives, an issue we talked about in the previous Chapter. For example, the Magistrates’ Association told us that its members were not confident that offenders would get the help they needed on a community sentence for specific mental health and learning disabilities: “35% were not very confident and 12% were not at all confident”.²⁵⁹ It is also worth noting that a move to a presumption against short custodial sentences might have an impact on sentencing by Magistrates’ Courts, as they can only impose custodial sentences of up to six months for a single offence and a term of up to 12 months for two or more separate offences.²⁶⁰ A presumption against

252 Centre for Justice Innovation ([TRH0057](#))

253 The Howard League for Penal Reform ([TRH0017](#))

254 [Q136](#)

255 See, for example, [Q210](#), Diocese of Worcester Criminal Justice Affairs Group ([TRH0019](#)), Clinks ([TRH0060](#)), Prison Reform Trust ([TRH0063](#)), MTCnovo ([TRH0067](#)), and HM Inspectorate of Probation ([TRH0115](#))

256 Ministry of Justice, [Analytical Summary 2018: Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?](#), May 2018

257 [Q216](#)

258 HM Inspectorate of Probation ([TRH0115](#))

259 Magistrates Association ([TRH0023](#))

260 [Section 154 of the Criminal Justice Act 2003](#) has not yet been commenced. It provided for the ordinary maximum custodial sentence that could be imposed by the magistrates’ court to be increased to 12 months for one offence (15 months for two or more offences).

sentences of 12 months or less would therefore mean that the Magistrates Courts would rarely be sentencing offenders for custodial sentences—although for ‘either way’ offences they could still commit a case to the Crown Court for sentencing.²⁶¹

139. One of the Secretary of State’s priorities for 2018–19 is to “ensure a sustainable prison population by exploring options for, and building confidence in, non-custodial sentences and by tackling reoffending through a cross-government approach”.²⁶² An answer from the Minister of State to a written parliamentary question also highlighted that the Ministry had identified the positives associated with non-custodial sentences: “community orders have a more positive impact on reoffending than short custodial sentences (3 percentage points lower over a one year follow-up period)”.²⁶³ On 26 May 2018, the Secretary of State for Justice told *The Sunday Times* that “criminals should be given jail sentences of less than a year only as a “last resort” because they fail to stop re-offending”. However, he stopped short of advocating a wholesale presumption against short custodial sentences as “he questioned what the courts would do with a persistent offender”.²⁶⁴

140. It is extremely worrying that sentencer confidence in community alternatives to short custodial sentences has waned to such an extent that sentencers appear to be reluctant in some cases to order community sentences rather than short periods in custody, particularly as the latter have the worse outcomes in terms of reoffending. We welcome the Secretary of State’s announcement that short custodial sentences (12 months or less) should be a “last resort”. We recommend that the UK Government should introduce a presumption against short custodial sentences. The Government should carry out an assessment of the potential impacts that such a policy might have, including on the prison population, both the male and female estate, and the allocation of cases to different courts.

12-month post-sentence supervision period

141. Section 2 of the Offender Rehabilitation Act 2014 extended compulsory post-custodial supervision to offenders serving sentences of 12 months or less (background information on Through the Gate was provided at Box 1).²⁶⁵ It required a post-sentence supervision period of 12 months. Post-sentence supervision has been criticised, for example, the Howard League for Penal Reform, argued that:

The introduction of 12 months’ supervision under the TR programme has had a deleterious impact on women, dramatically and disproportionately extending the restrictions on their liberty and subjecting them to the possibility of recall for 12 months.²⁶⁶

Similarly, YSS Ltd. explained that a voluntary rather than a mandatory approach might work better as the former was setting offenders “up to fail when we are not providing the relevant support”. YSS Ltd. had also delivered a voluntary TTG-style scheme, prior to TR,

261 An either way offence is a crime that may be tried either as an indictable offence (trial by jury) or a summary offence (can be heard by a magistrate sitting alone).

262 Ministry of Justice, [Ministry of Justice single departmental plan](#), 23 May 2018

263 [PQ 905599](#) on Reoffenders, 5 June 2018

264 “[Under a year in jail must be last resort, says justice Chief David Gauke](#)”, *The Times*, 26 May 2018

265 Offender Rehabilitation Act 2014, [section 2](#)

266 The Howard League for Penal Reform ([TRH0017](#))

that it said had worked well.²⁶⁷ The Prison Reform Trust also advocated that there should be a move away from a compulsory 12-month post-sentence supervision period.²⁶⁸ Some of those working on the frontline agreed: a CRC Unison member, for example, queried whether all short-sentenced offenders should have to have mandatory 12 months of post-sentence supervision, as “some people don’t need 12 months post sentence supervision, but have to have contact every week for 12 weeks”.²⁶⁹

142. In oral evidence Nacro cautioned against a move away from compulsory post-sentence supervision for those serving short custodial sentences. Nacro thought offenders might “not realise that they might benefit from that help”, although they accepted that the current arrangements needed improvement.²⁷⁰ Pact, among other witnesses, noted that offenders could be recalled to prison for missing an appointment which would be classified as a breach and might not have reoffended—this was not proportionate.²⁷¹

143. In oral evidence Shelter advocated that it might be best to move to an outcome-based approach: “Once they have achieved certain outcomes [as agreed at the resettlement planning stage] and are happy with what has been achieved, there is no reason why it should remain compulsory for that period of time”.²⁷² Sonia Crozier of the National Probation Service, however, explained that having a compulsory scheme meant there was “some consistency” across the country on what was delivered.

144. HM Chief Inspector of Probation explained in follow-up evidence that she was behind the principle of post-sentence supervision but thought the 12-month supervision period was not “sufficiently flexible or appropriate”.²⁷³ Dame Glenys suggested a few options for ways in which post-sentence supervision could be changed:

267 YSS Ltd ([TRH0056](#))

268 Prison Reform Trust ([TRH0063](#))

269 UNISON ([TRH0045](#))

270 [Q134](#)

271 See for example, [Q134](#) and Revolving Doors Agency ([TRH0087](#)).

272 [Q134](#)

273 HM Inspectorate of Probation ([TRH0115](#))

Approach	Explanation	Pros	Cons
A mirrored approach	Match supervision to sentence. A prison sentence of 3 months would require a supervision period in the community of the same length.	Easy to understand; appears proportionate.	Can limit the available intervention time unduly, most especially in very short sentence cases. Inflexible.
A split approach	A prisoner serving less than 12 months is normally released halfway through their prison sentence. This can be affected by behaviour in prison, the parole board is not involved. The remaining period of the sentence could then be subject to community supervision.	Does not extend the sentence length. Reflects the approach in the youth system.	Limits the available intervention time. Inflexible.
An assessment based approach	The supervision period would be no longer than 12 months. The length of time under supervision would be determined by assessment and be needs led, with a focus on supporting resettlement and rehabilitation.	Responsive to needs and changing circumstances. Focused on achieving resettlement and rehabilitation. Flexible.	More complicated to Understand. Could extend supervision periods. Not all assessments are high-quality or regular. Gameable.

145. We welcome the intention of the then Government's policy to improve consistency of post-sentence supervision provided to offenders, especially those receiving short custodial sentences. However, the current one-size fits all approach lacks the flexibility to meet the varying needs of offenders. *If short custodial sentences continue to be used, within 12 months the Government should consider repealing Section 2 of the Offender Rehabilitation Act 2014. Before repealing the Section 2 provisions the Ministry should assess what policy or legislative measures should replace those provisions.*

Through the Gate

146. Under the Transforming Rehabilitation reforms all custodial offenders receive 'Through the Gate' (TTG) support (see Box 1 for a description of Through the Gate services). CRCs are required to:

- prepare a resettlement plan, within five working days of the screening being completed by prison staff;
- help prisoners to find accommodation;
- help prisoners retain employment held pre-custody and gain employment or training opportunities post-release;
- provide help with finance, benefits and debt;
- provide support for victims of domestic abuse and sex workers; and
- undertake pre-release coordination.²⁷⁴

TTG extended post-sentence supervision to over 40,000 additional offenders. HM Chief Inspectors have produced two very critical Reports on TTG services: one for prisoners serving prison sentences of 12 months or more, and the second on short-term prisoners.²⁷⁵ Many of the criticisms we received in evidence, oral and written, related to TTG.

147. The joint inspection report on TTG resettlement services for short-term prisoners labelled the “CRCs’ efforts pedestrian at best” and explained that “in too many cases, resettlement planning consisted of no more than referrals to other agencies, recorded as completed once an e-mail had been sent”.²⁷⁶ We heard from probation users that “through the gate [was] non-existent”, and they advocated a move to a peer-led system.²⁷⁷ Napo told our predecessor Committee that following the TTG changes, on release offenders got “£46 and a leaflet now, as opposed to 46 quid before”.²⁷⁸

148. The Probation and Prisons Inspectorates stated that the minimum requirements for resettlement should be:

- a safe place to sleep, from the day of release;
- access to enough money to meet basic needs including food, clothing, and transport;
- a sense of hope for the future; and
- active links into services that can assist them with other needs, for example substance misuse and mental health services.²⁷⁹

274 Cited in Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016, p12

275 Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016 and Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#), June 2017

276 Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016, p7

277 Q65. See also Shelter (Q132) and Revolving Doors Agency (TRH0087).

278 £46 refers to the discharge grant that prisoners receive on release from custody. Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 Q171

279 Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016, p13

149. Shelter recommended that one way to enhance the TTG provision would be the introduction of a Prisoner Discharge Pack, which would include “information about local services, basic necessities, toiletries, food vouchers, travel pass and basic mobile phone”.²⁸⁰ Other witnesses welcomed the proposal, although Pact advocated that the pack “should be based on need”.²⁸¹

150. In its written submission, the Ministry of Justice explained that the picture was not wholly negative and that some CRCs had “developed innovative schemes, including one-stop-shops outside the prison gates”.²⁸² Pact also told us in oral evidence about a mentoring TTG service that they offered, which had a positive impact on offenders.²⁸³ HMI Prisons’ submission to our inquiry highlighted that where such a service was offered “there were more positive long-term outcomes”.²⁸⁴

151. The Minister conceded in oral evidence that there had been a lack of clarity in communications relating to TTG on its purpose. This had led to a misunderstanding about what it would offer. Minister Stewart explained: “We probably were not clear enough about communicating what the intention of the contracts was. The intention of the contracts was always not to provide accommodation or employment services but to signpost”.²⁸⁵

152. A Through the Gate service which merely signposts offenders to other organisations is wholly inadequate. Following the Transforming Rehabilitation reforms, there is a risk that offenders now receive a £46 discharge grant and a leaflet rather than just £46. We recommend that the Ministry of Justice should review the purpose of Through the Gate and the support that it provides offenders. As part of this review the Ministry should consider introducing a prisoner discharge pack, based on need, and minimum expectations on resettlement services offered and how offenders’ knowledge of accessing Government services through digital portals can be improved. Real consideration should be given to whether it is appropriate to release prisoners with few family ties, from custody on a Friday, when access to Government services can be difficult.

12-week intervention point

153. At present Community Rehabilitation Companies are required to devise a resettlement plan within five days of the Basic Custody Screening Tool (BCST) being completed at the beginning of an offender’s time in custody.²⁸⁶ 12 weeks prior to release, pre-release resettlement activity (such as arranging accommodation, dealing with finance, benefits and debts, and support related to education, training and employment) to prepare an offender for life in the community commences.²⁸⁷

154. Evidence we received criticised the lack of flexibility with the 12-week intervention period. For example, Interserve, a CRC parent company, explained that they were prohibited “from doing anything substantive to address resettlement needs other than

280 Shelter ([TRH0030](#))

281 [Q133](#)

282 Ministry of Justice ([TRH0032](#))

283 [Q125](#)

284 HMI Prisons ([TRH0062](#))

285 [Q372](#)

286 National Offender Management Service, [Early days in custody—reception in, first night in custody, and induction to custody](#), PSI 07/2015/PI 06/2015, 1 February 2015

287 See for example written evidence from Shelter ([TRH0030](#)).

in the 12-week period immediately before the prisoner [was] released, even if a longer engagement with a prisoner would [have been] beneficial”.²⁸⁸ Shelter explained that issues, such as those to do with debt and housing “could have been prevented had intervention taken place mid-sentence”.²⁸⁹ CRCs were also critical of the rigidity of the intervention point and explained that it did not always meet the needs of the individual.²⁹⁰ For example, Suki Binning, a CRC Chief Executive, explained in evidence that some individuals had more complex needs so needed “a longer lead-in time”.²⁹¹

155. HM Chief Inspector of Probation also described the current arrangements as “inflexible”, and noted that different interventions would be needed at different times:

Some issues, such as addiction, mental health issues, family support, debt and finance, education and training, should not be left unmanaged or unaddressed until 12-weeks prior to release. Other issues such as housing or employment may need to be addressed towards the latter part of a sentence, and can be difficult or impossible to secure well in advance of release.²⁹²

Similarly, Sodexo, a CRC parent company described the different needs of offenders:

Putting in well-intentioned arrangements is not always the most appropriate way of delivering it. It is not always the case that someone needs a resettlement plan within a short period of time of landing in prison, if they are sentenced to a lengthy period of time in custody. For others, it should start immediately and the momentum should be kept going all the way through.²⁹³

In oral evidence the Minister acknowledged that there was possibly too much rigidity in the system and “12 weeks [did] not necessarily work for everybody”.²⁹⁴

156. The current system of having a 12-week point at which pre-release resettlement activity commences is too inflexible and does not reflect the varying, and often complex, needs of offenders. We recommend that offenders should begin receiving pre-release resettlement activity no later than 12 weeks prior to release. When an offender requires pre-release support before the 12-week pre-release point that should be provided and CRCs should be appropriately remunerated.

Types of activities and frequency of contact

How probation support is delivered

157. Witnesses have criticised how probation support is delivered to offenders. The Probation Institute described a situation in some areas where organisations had resorted “to supervision by telephone or text”. They also explained how meetings between probation staff and offenders were taking place in non-confidential, open spaces: “Open booths in

288 Interserve ([TRH0088](#))

289 Shelter ([TRH0030](#))

290 See for example, [Q225](#), Switchback ([TRH0084](#)) and Interserve ([TRH0088](#)).

291 [Q225](#). See also Switchback ([TRH0084](#)).

292 HM Inspectorate of Probation ([TRH0115](#)). See also oral evidence from HM Chief Inspector of Prisons who made similar points: [Q331](#).

293 [Q225](#)

294 [Q361](#)

an open office setting are never appropriate and should be banned”.²⁹⁵ HM Inspectorate of Probation told us that meetings in such places were an example of good probation work being inhibited.²⁹⁶

158. Similarly, the Napo Four Shires Branch explained in their submission that “evidence [was] required to demonstrate kiosk reporting, telephone reporting and interview booths aid rehabilitation”.²⁹⁷ Napo termed telephone reporting an “unsafe” method of supervision.²⁹⁸ The Inspectorate also explained in its Annual Report and in oral evidence to the Committee that there was a lack of evidence to support telephone reporting:

We know of no evidence base to suggest that remote supervision works on its own to reduce reoffending or manage the risk of harm effectively, although research conducted to examine substance misuse treatment and recovery resources found that the use of online resources could work well when supplemented with offline face-to-face contact.²⁹⁹

159. We took oral evidence from a small number of users of probation as part of this inquiry. They told us that they had always been met in an appropriate place, which was private.³⁰⁰ They also explained that there were benefits to telephone reporting, especially when they were on courses.³⁰¹

160. Sodexo, one of the CRCs criticised for using telephone reporting by the Inspectorate, explained in oral evidence that telephone supervision “[was] never used in isolation” and was supported by international studies.³⁰² They also explained that remote supervision was beneficial for those living in rural communities, and for offenders who needed to balance probation with work and family life.³⁰³ Sodexo also viewed telephone contact as a reward: “there is some evidence that it is helpful and has a positive benefit as you start to release people from face-to-face intensive supervision and place more trust in them”.³⁰⁴ Dame Glenys Stacey claimed in oral evidence that on paper Sodexo’s model had “many laudable features”, but “it [was] not what [was] implemented”.³⁰⁵

161. We agree with HM Chief Inspector of Probation that telephone reporting should not be used as the only means by which an offender is supervised. We consider that kiosk meetings are never likely to be appropriate and that telephone supervision should only be used in exceptional circumstances and not in isolation. Delivery of probation services must be supported by credible evidence. *The Ministry of Justice should set out its minimum expectations to providers on the balance between remote and face-to-face supervision, and on the location of meetings between an offender and their Probation Officer.*

162. In its Annual Report for 2017 the Inspectorate found that: “only one in two individuals [was] supervised by the same officer throughout their case. In 5% of cases there had been

295 Probation Institute ([TRH0025](#))

296 HM Inspectorate of Probation ([TRH0052](#))

297 Napo The Four Shires branch ([TRH0026](#)). See also, Professor Peter Raynor ([TRH0031](#)).

298 [Q100](#)

299 HM Inspectorate of Probation, [2017 Annual Report](#), 14 December 2017, p84. See also [Q317](#)

300 [Qq25–30](#)

301 [Q1](#)

302 [Q218](#)

303 [Q218](#)

304 [Q221](#)

305 [Q317](#)

three or more officers”.³⁰⁶ The Inspectorate explained that “research findings emphasise[d] how building trusting personal relationships [could] be a powerful vehicle for change” and criticised changes in offenders’ probation officer.³⁰⁷ YSS Ltd. made similar points on trust in oral evidence: “Sometimes they just want someone to speak to because something has kicked off [...]. It is about having someone they trust and can speak to, who gives them support at a time when they need it”.³⁰⁸

163. We heard first-hand about the issue of trust and how this built up over time when we took evidence from probation users. One former user spoke positively about his relationship with his Probation Officer and how it encouraged him to not reoffend:

She seemed to see the good in me and she was consistent, as I said, so I wanted to engage with her. She gave me the desire, because there was trust there, to change. Every week I would go in, and because I knew she was going to be there I would go in to tell the truth, I would go in to continue my path. That is the best thing that ever happened to me.³⁰⁹

Another user told us: “if you have consistency and you build a relationship, you are recognising somebody who has some positivity for you”.³¹⁰

164. We are concerned that only one in two individuals are supervised by the same officer throughout their case. Providers must do more to ensure that an individual’s Probation Officer or case manager is the same throughout their time on probation so that a trusting relationship can be developed between the individual and their Probation Officer or case manager. *The Ministry of Justice should introduce national guidance on best practice relating to changes to an individual’s Probation Officer or case manager.*

Unpaid work orders

165. Offenders can be ordered by the court to complete unpaid work orders, including Community Payback Schemes. The Ministry’s service specification document stipulates that the key outcomes of unpaid work orders and community payback are:

- Punishment—sentence of the Court completed;
- Reparation to the community (Community Payback);
- Increased public confidence in the Criminal Justice System; and
- Reduced reoffending.³¹¹

166. On our visit to probation services in Gloucestershire we spoke to those on a Community Payback Scheme. They told us about their experiences. We heard that sometimes they were “stood down” at late notice and were then only credited with one hour’s worth of unpaid leave as per national guidelines (see paragraph 168 for further detail). This was

306 HM Inspectorate of Probation, [2017 Annual Report](#), 14 December 2017, p85

307 HM Inspectorate of Probation ([TRH0052](#))

308 [Q132](#). See also PACT Future ([TRH0114](#)).

309 [Q11](#). See also Switchback ([TRH0084](#)), Switchback ([TRH0111](#)) and A Prisoner ([TRH0119](#))

310 [Q55](#)

311 Ministry of Justice, [Service Specification for Unpaid Work/Community Payback: Service Specification Document](#), 26 October 2017

particularly problematic for those who were in employment as it meant they would have booked leave from work when not required. We also heard that some of the work was “meaningless”: moving piles of mud from one pile to another in graveyards, for example.

167. Napo told us in oral evidence that stand downs for unpaid work orders were not good for offenders or staff.³¹² HM Chief Inspector of Probation told us about similar issues:

In 2016, we found that more people were being mustered than could get on the bus in some areas. It is like double listing in courts, but it is a cruder affair in a muster station. More recently in some areas—West Mercia is an exception—we have found that people are turning up and there is no one there to collect them. This is unacceptable.³¹³

168. Ministry of Justice guidance from July 2017, covers the issue of unpaid work orders and stand downs. Output 3 of Service element 6 provides that:

If it is necessary to stand down offenders as a result of operational difficulties, before work commences, 1 hour should be credited towards the sentence. If an offender is stood down from a work site as a result of operational difficulties, adverse weather conditions, or for disciplinary reasons, time should be credited up to the point at which the stand down occurs.³¹⁴

169. We do not think that it is proportionate for offenders to be credited with only one hour’s worth of unpaid work when they have been stood down at the last minute and for factors which are outside their control. When the Ministry of Justice responds to our Report it should have undertaken a review of output 3 of service element 6 of its guidance on unpaid work orders. It should set out in response to this Report any changes it will implement.

170. Dame Glenys Stacey also implied that some of the work offenders were being asked to do was not meaningful: “so often [unpaid work was] seen as distinct from and an adjunct to good probation services”.³¹⁵ She went on to call for unpaid work orders to be seen as meaningful and explained that there could be a greater link with employment and training: “it is possible for people to do some of their days as training or education at a college of further education, but it is not often taken up”. Dame Glenys also explained that making unpaid work orders more meaningful might increase sentencer confidence: “if magistrates knew that that was possible, and was done, it might encourage unpaid work and faith in the orders”.³¹⁶ An answer to a written parliamentary question in March 2018 on whether picking litter could be counted as unpaid work activity suggested that the Ministry sought to maximise the value of unpaid work. The MoJ spokesman in the Lords explained that unpaid work requirements had to meet certain criteria, including:

- that the work benefits the local community;
- that the work undertaken is not a direct substitution for paid employment; and

312 [Q101](#)

313 [Q315](#)

314 National Offender Management Service, [Unpaid Work](#), PI 20/2016, December 2017, Annex A

315 [Q315](#)

316 [Q316](#)

- the views of local people and community stakeholders such as the police are taken into account.³¹⁷

171. Suki Binning, Chief Executive of Kent, Surrey and Sussex CRC, told us that offenders say that “a community order is tougher than prison”.³¹⁸ However, she explained that there was a public relations issue as the public often thought an unpaid work order was an easy option. In her area they had been getting the local community involved to “vote for a project” for Community Payback.³¹⁹

172. We agree with HM Chief Inspector of Probation that unpaid work orders should follow probation best practice. We recommend that, where possible, unpaid work should contribute to the local community and be linked to education and training.

Specific needs of offenders

173. The issues facing offenders on probation are not all within the gift of probation services and therefore a cross-Government approach is needed and organisations need to work together.³²⁰

Accommodation/housing

174. A place to live is crucial for those who have offended. Without an address an offender cannot have a National Insurance number, open a bank account, claim benefits etc. Joint inspections by HM Inspectorates of Probation and Prisons on Through the Gate services for prisoners serving 12 months or more, and short-term prisoners, demonstrate the scale of the help that prisoners require:

- CRC prisoners serving 12 months or more: 62% either needed help with accommodation or were released from custody with no address;
- NPS prisoners serving 12 months or more: 82% needed help with accommodation; were released to an Approved Premises; or were released from custody with no address; and
- Short-sentenced prisoners: over two-thirds needed help with accommodation.³²¹

175. The Criminal Justice Alliance summarised the link between housing and reoffending:

The provision of safe and affordable housing for people leaving prison remains a critical problem for probation services. Repeated studies have shown that securing suitable housing for ex-offenders has a positive impact on the likelihood of re-offending.³²²

317 [PQ HL5893](#) on Community Orders, 12 March 2018

318 [Q211](#)

319 [Qq212–213](#)

320 See for example [Q123](#), [ERSA \(TRH0047\)](#), [Nacro \(TRH0078\)](#), Dr Rebecca Marples, Professor Charlie Brooker and Dr Coral Sirdifield ([TRH0095](#)), and HM Inspectorate of Prisons ([TRH0117](#)).

321 Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016 and Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#), June 2017

322 Criminal Justice Alliance ([TRH0079](#))

Sussex Pathways, an independent charity working in Lewes prison, made this point vividly:

Being released on a cold December Friday, with no family, no accommodation, no job, and £46 release grant in cash in the pocket the easy option is always going to be to blot out the cold and misery, with a bottle of alcohol or drugs, which often causes the cycle of reoffending and arrest almost immediately.³²³

User Voice, an ex-offender charity, shared a personal story of one of its service users who had said that they would have been better off staying in prison.³²⁴

176. HMI Probation's Annual Report for 2017 explained that for many prisoners finding somewhere to live on their release was their "greatest worry".³²⁵ The Inspectorate found that:

about one in seven [c. 14%] short-term prisoners and one in ten [10%] longer-term prisoners walked out of the prison gate not knowing where they were going to sleep that night, and only a small number found suitable accommodation on the day of release.

The Minister told us in evidence on 24 January 2018, relating to another piece of work, that he would have been successful in his role if offenders had "a house [...] to go to when they leave the prison".³²⁶

177. Shelter recommended that homelessness applications should be "assessed prior to release to reduce the number of offenders/clients going out with no fixed abode".³²⁷ But Shelter and others, including Nacro, made the point in evidence that there was "a national housing crisis or shortage" so some of the issues relating to housing were not probation specific.³²⁸

178. We heard from a number of witnesses, including Nacro, that in some areas offenders who served custodial sentences were deemed by the Local Authority to have made themselves deliberately homeless, as the:

local authority interprets the offence as a deliberate act and therefore no longer owes them a duty to house. Indeed, some local authorities will not process a homelessness application from a person leaving prison. One local authority states that "A fresh application may be submitted after 12 months provided the applicant can provide satisfactory evidence to demonstrate that they have modified their behaviour".³²⁹

323 Sussex Pathways ([TRH0021](#))

324 User Voice ([TRH0016](#))

325 HM Inspectorate of Probation, [2017 Annual Report](#), 14 December 2017, p59. See also Revolving Doors Agency ([TRH0087](#)).

326 Oral evidence taken before the Justice Committee on 24 January 2018, HC (2017–19) 751, [Q114](#)

327 Shelter ([TRH0030](#))

328 [Qq136–137](#)

329 Nacro ([TRH0078](#)). See also [Q47](#), [Qq136–141](#), Centre for Community, Gender and Social Justice ([TRH0024](#)) and Shelter and Nacro ([TRH0107](#)).

In follow-up evidence Nacro and Shelter described this as a “widespread issue”, but explained that it could not provide the number of councils who took this approach.³³⁰ Pact also told us that there was an “incentive” within the system for local authorities to not rehouse an offender as it was “one client and one problem gone”.³³¹

179. The Minister told us that this was not acceptable and the Government were “challenging directly any local authority that trie[d] to treat people as intentionally homeless”.³³²

180. Parts of the Homelessness Reduction Act 2017, which applies to England only, came into force in April 2018 and provided additional safeguards. Section 10 of the Act, which is due to come into force in October 2018, places a duty on public authorities, including prison and probation services, to refer (with consent) individuals they are working with who appear to be homeless or threatened with homelessness, to the local Housing Authority.³³³

181. In February 2018, the Ministry of Housing, Communities and Local Government, published *Homelessness Code of Guidance for Local Authorities*.³³⁴ That guidance stated that “a person has a priority need for accommodation if they are vulnerable as a result of [...] having been in custody”. The guidance explained that whether a person was deemed to be vulnerable for such a reason was “a matter of evaluative judgement whether the applicant’s circumstances make them vulnerable”. It also stated that “the housing authority should determine whether, if homeless, the applicant would be significantly more vulnerable than an ordinary person would be if they became homeless”.

182. There are strong links between homelessness and reoffending. It is unacceptable that any local council has been able to deem an individual who has served a custodial sentence as making themselves intentionally homeless. This practice needs to be stopped given the links between homelessness and reoffending. We welcome the Minister’s commitment to challenge local councils who take such an approach. We recommend that the Government should amend the Homelessness Code of Guidance for Local Authorities, to make it explicit that an individual who is homeless because of having served a custodial sentence should be deemed vulnerable for the purposes of the Homelessness Reduction Act 2017. We further recommend that the UK Government should work with the Welsh Government to ensure that their homelessness legislation takes due account of the risks of reoffending.

Employment and education

183. We had intended to comment in detail in this Report on changes that should be made to employment and education support, including Release on Temporary Licence (ROTL), for offenders. However, since we concluded taking evidence, the Ministry has published its *Education and Employment Strategy* on 24 May 2018.³³⁵ We will closely

330 Shelter and Nacro ([TRH0107](#))

331 [Q145](#)

332 [Q364](#)

333 Homelessness Reduction Act 2017, [section 10](#)

334 Ministry of Housing, Communities & Local Government, [Homelessness Code of Guidance for Local Authorities](#), February 2018

335 Ministry of Justice, [Education and Employment Strategy](#), Cm 9621, May 2018

follow the implementation and execution of this strategy and may choose to comment on it in future work. In this Report we do not set out the evidence that we heard on education and employment.

Benefits

184. During our inquiry we have not identified specific data on the proportion of offenders who claim benefits on release but evidence suggested that it was widespread. The report by the Inspectorates on short-sentenced prisoners identified that “the majority of prisoners would be making claims for benefits after their release”.³³⁶ LandWorks noted the financial difficulties that offenders face because they cannot receive benefits on their release:

A recurring issue is that benefits are not in place at the point of release and, therefore, there is usually a 2-3 week period where the individual has only his £46 discharge grant on which to live.³³⁷

Shelter told us in oral evidence that people leaving custody were often without any form of income for six weeks, “because of the way universal credit works, and not being able to make applications until the day of release”.³³⁸ Switchback told us that access to benefits in prison would make a “big difference” to offenders.³³⁹

185. In its submission to our inquiry the Ministry of Justice explained that “for offenders who do not have an income, timely access to benefits is vital to reducing the risk of reoffending”. They also explained which benefits offenders could access and at what point in their sentence they could apply and start receiving these:

Prisoners are able to make advance claims for Job Seekers Allowance and, since January 2017, those released into a Universal Credit Full Service area are offered support by their Prison Work Coach to prepare to make a claim on release. Universal Credit claimants who are in financial need can apply to receive up to 50% of their first month’s entitlement, interest-free, in advance, and prison-leavers, as a vulnerable group, are exempt from ‘waiting days’ before the Universal Credit assessment period begins.³⁴⁰

HM Chief Inspector of Probation also explained that JobCentre Plus staff were available in prisons to help offenders who needed to apply for benefits on release. However, she noted that “benefit claims cannot be started in custody [and] potential claimants faced the dispiriting prospect of waiting a lengthy time for payment after release”. Dame Glensy Stacey concluded that “ensuring benefits can be paid on release from prison is a pragmatic goal, and in everyone’s interest”.³⁴¹

186. On 6 March 2018 the Secretary of State indicated a positive response to the proposal that offenders should be able to apply for Universal Credit prior to release from custody. Mr Gauke explained that he was keen “to facilitate prisoners in applying for universal credit before they [were] released, so that they [could] receive the support of jobcentre and

336 Criminal Justice Joint Inspection, [A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons, An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), October 2016, p24

337 LandWorks ([TRH0081](#))

338 [Q133](#)

339 [Q169](#). See also Nacro ([TRH0108](#)).

340 Ministry of Justice ([TRH0032](#))

341 HM Inspectorate of Probation ([TRH0115](#))

other staff immediately on release to move into paid work as quickly as possible”.³⁴² In oral evidence HMPPS described solving this issue as one of the “long-standing problems”.³⁴³ When challenged by us in oral evidence about why the Government had not made more progress on this matter the Minister accepted “we [the Government] need to succeed in doing it, and, so far, that is a failure on our part”.³⁴⁴

187. We recommend that the Ministry of Justice should work with the Department for Work and Pensions to enable offenders serving custodial sentences to apply for Universal Credit (UC) prior to their release from custody so that they receive UC on the day of release. As an interim measure, and until offenders can receive UC upon release, the Government should set up a transitional credit fund for those offenders who have insufficient funds to provide for the basics, such as travel, a roof over their heads and food, in recognition that £46 is wholly inadequate to cover these.

ID/Bank cards

188. A bank account and ID are critical for offenders to be able to find a place to live, to claim benefits and to enter employment. HMI Probation’s Annual Report explained that:

Prisoners without bank accounts can face lengthy delays in claiming benefits. We expected that all prisons we visited would be able to arrange bank accounts where needed. We saw some cases where assistance was given, but in others this need was recognised too late, or else overlooked completely.³⁴⁵

We have also heard from a number of witnesses, including voluntary sector organisations and those working on the probation frontline, that ID was crucial.³⁴⁶ Issues were raised with us by service users on our visit to probation services in Gloucestershire in March 2018.

189. Prison Service Instruction (PSI) 44/2011 “provides instructions on how to provide prisoners with the identification required to open a bank account”.³⁴⁷ Specifically, the PSI requires:

Governors and Directors [to] ensure that the Personal Identification Document [...] is used to provide prisoners with the necessary identification to open a bank account. The form provides identity details and a discharge address to the bank, if no discharge address is known, or changes, the bank must be informed and the discharge address must correspond with that at final discharge.

The Minister confirmed to us in follow-up evidence that this PSI was still in operation and a pre-release programme was run in prisons with six banks and one building society

342 HC Deb, 6 March 2018, [col 153](#)

343 [Q362](#)

344 [Q363](#)

345 HM Inspectorate of Probation, [2017 Annual Report](#), 14 December 2017, p60

346 See for example, Anawim ([TRH0007](#)), UNISON ([TRH0045](#)), LandWorks ([TRH0081](#)), Shelter ([TRH0106](#)) and HM Inspectorate of Probation ([TRH0115](#)).

347 Ministry of Justice National Offender Management Service, [Identity \(ID\) for Bank Account Applications for all prisoners](#), PSI 44/2011, 22 July 2011

“to give offenders who are soon to be released from custody the opportunity to apply for a basic bank account”.³⁴⁸ The Ministry explained that “approximately 6,600 accounts were opened under the programme in 2017, a 60% increase on the previous year”.³⁴⁹

190. We are pleased that the Minister confirmed to us that schemes run in prisons to assist offenders in opening a bank account. *The Government should consider how offenders who are being released to an unknown or non-fixed address can be supported in having access to a bank account, so that an absence of such an account does not prohibit the offender from getting a job, claiming benefits or securing a place to live.*

348 Ministry of Justice ([TRH0118](#))

349 Ministry of Justice ([TRH0118](#))

6 The long-term delivery of probation services

191. In this Report we have focussed on short and medium-term solutions to the multitude of issues facing the probation sector. During our evidence, the long-term viability of the Transforming Rehabilitation (TR) reforms have been discussed. In this Chapter we set out the evidence that we have heard in relation to TR's long-term future and our view on this matter.

192. Through the Transforming Rehabilitation reforms, the then Government sought to:

- Extend statutory rehabilitation to offenders serving custodial sentences of less than 12 months;
- Introduce nationwide 'Through the Gate' resettlement services;
- Open up the market to new rehabilitation providers to get the best out of the public, voluntary and private sectors;
- Introduce new payment incentives for market providers to focus relentlessly on reforming offenders;
- Split the delivery of probation services between the National Probation Service (offenders at high risk of harm) and Community Rehabilitation Companies (low and medium risk offenders); and
- Reduce reoffending.

Is the current system salvageable?

193. We did not receive any evidence which took the view that the current system was without fault and did not require any changes in the short to medium-term. There was however no overall agreement over whether TR had a long-term future: several submissions indicated that the system was salvageable but a large number of witnesses also thought that it was not. In oral evidence Switchback, a London-based rehabilitation charity, acknowledged that there were problems with the current system but believed these could be fixed: some of the principles at the heart of TR "were good ones, which could be revisited".³⁵⁰ Some witnesses, including Shelter, took the view that TR was still suffering from "implementation issues".³⁵¹

194. HM Chief Inspector of Probation, Dame Glenys Stacey, agreed in evidence to a question from the Committee that "the system [was] fundamentally flawed".³⁵² Unison told us that to date there had been a series of "stop-gap, sticking-plaster approaches" to the problems facing the sector, and "nothing other than a fundamental root and branch review and the reestablishment of a unified service will sort the problem out".³⁵³ Other witnesses also agreed that returning to public ownership was the only option.³⁵⁴

350 [Q169](#)

351 Shelter ([TRH0030](#)). See also [Q143](#).

352 [Q312](#)

353 [Q109](#). See also, for example, Mr Tony Knivett/John Budd ([TRH0093](#)).

354 See for example, Roger Statham ([TRH0008](#)), Napo ([TRH0059](#)), A Probation Officer ([TRH0069](#)) and Philip Priestley and Maurice Vanstone ([TRH0082](#)).

195. The Minister of State, Rory Stewart OBE MP, in oral evidence was more optimistic about the long-term future of the current system. He explained that the current probation system was “salvageable”. He also cautioned against another transformation:

Some of the problems that we are facing are problems of managing radical change. I can understand why people think that the current system has serious flaws, but I emphasise that there would be considerable costs in trying to reinvent the system yet again.³⁵⁵

When should a review take place?

196. As we expressed earlier in this Report there has been a lack of transparency regarding previous reviews. The Ministry of Justice’s written submission appeared to indicate a preference for a piecemeal approach, rather than a wholesale review of the system. It explained that the Ministry was keeping the probation system under review and lessons learned would inform “the next generation of services”.³⁵⁶

197. A number of witnesses, including Police and Crime Commissioners, a police officer, trade unions, academics and charities, called for an “immediate review” or for a review to start as soon as possible of the TR reforms.³⁵⁷ Unison surveyed its members to inform its submission: 78% of respondents supported a review taking place immediately.³⁵⁸ Several witnesses also called for a review within six to 12 months.³⁵⁹

198. While some witnesses, including HMI Probation, stressed the importance of such a review taking place they also emphasised that the current contracts “cannot just be brought to a sudden halt”.³⁶⁰ Some witnesses, including David Chantler, a former Chief Probation Officer of West Mercia Probation, and Clinks, explained that commencing a review immediately would mean that a replacement to TR could be in place in time for the current contracts end date (expected to be 31 January 2022 although *The Times* reported on 14 June that the Government intended to terminate the contracts in 2020 and reduce the number of CRCs to 14 (from 21)). Others, particularly CRCs, called for “a period of calm” and “for sufficient time [to] pass so that [CRC] innovation and impact [could] be measured”.³⁶¹ These providers varied in their views on when they thought a review of

355 [Q340](#)

356 Ministry of Justice ([TRH0032](#))

357 See for example [Q145](#) and written evidence from a Police Officer ([TRH0006](#)), St Giles Trust ([TRH0009](#)), NAPO ([TRH0014](#)), Sussex Police and Crime Commissioner ([TRH0015](#)), Professor Dr John Deering and Professor Martina Feilzer ([TRH0018](#)), Diocese of Worcester Criminal Justice Affairs Group ([TRH0019](#)), Police and Crime Commissioner for Dorset ([TRH0020](#)), Centre for Community, Gender and Social Justice ([TRH0024](#)), Napo The Four Shires branch ([TRH0026](#)), Adaptus Consulting LLP ([TRH0041](#)), The Forward Trust ([TRH0049](#)), Commonweal Housing ([TRH0058](#)), Police and Crime Commissioner for North Yorkshire ([TRH0070](#)), Women in Prison ([TRH0076](#)), Serco plc ([TRH0077](#)), Criminal Justice Alliance ([TRH0079](#)) and Office of Police and Crime Commissioner Devon and Cornwall ([TRH0083](#)).

358 UNISON ([TRH0045](#))

359 See for example, [Q168](#), London Borough of Hounslow ([TRH0044](#)), Pact Futures CIC ([TRH0050](#)), Centre for Crime and Justice Studies ([TRH0068](#)) and Centre for Social Justice ([TRH0086](#)).

360 [Qq335–336](#). See also Ms Christine Lawrie ([TRH0029](#)), Office of the Avon & Somerset Police & Crime Commissioner ([TRH0043](#)) and [Q144](#).

361 See for example, Reducing Reoffending Partnership ([TRH0037](#)), Interserve ([TRH0088](#)) and Inspiring intelligence ltd ([TRH0089](#)).

probation should take place, with some calling for a review now, others in two years' time and other CRCs calling for a contract extension and a review after the seven-year contract.³⁶²

199. Other witnesses, such as Business in the Community, a charity, stressed the importance of a review looking at the wider picture, including other areas of the criminal justice system and changes and challenges that they were facing.³⁶³ Shelter explained that the review also needed to ensure that lessons were learned from providers' experience.³⁶⁴

200. The Transforming Rehabilitation (TR) reforms are not meeting the then Government's aims. We are unconvinced that as things stand the TR model can ever deliver an effective or viable probation service. We recommend that the Ministry of Justice should initiate a review into the long-term future and sustainability of delivering probation services under the models introduced by the TR reforms, including how performance under the TR system might compare to an alternative system for delivering probation. The Government should publish its review, in full, by 1 February 2019. Given the issues which have arisen due to the speedy implementation of the TR reforms and lack of piloting, any new model must be thoroughly planned and tested.

362 MTCnovo ([TRH0067](#))—review in two years; Interserve ([TRH0088](#))—review now; Sodexo ([Q247](#) and Sodexo Justice ([TRH0061](#)))—give CRCs until 2022 until reviewing the contracts and consider extending the contract by three years to 10 years; and Seetec ([TRH0036](#))—if contracts are working they should be extended.

363 Business in the Community ([TRH0039](#)). See also for example, Parole Board for England & Wales ([TRH0054](#)).

364 Shelter ([TRH0030](#))

Conclusions and recommendations

Transforming Rehabilitation reforms

1. It was a mistake to introduce the Transforming Rehabilitation reforms without completing thorough piloting. (Paragraph 18)

Structural issues

2. We welcome the Ministry's move away from black box contracts with Community Rehabilitation Companies (CRCs). (Paragraph 25)
3. The Government has had to fundamentally change assumptions in the contracts with CRCs: the fixed-cost assumption in the contracts has been reversed in the changes announced in July 2017. Having to make such a fundamental change to ensure that providers were being paid to meet the basic costs of providing probation services is concerning. It raises serious questions about the Ministry of Justice's apparent reluctance to challenge overoptimistic bids and its ability to let contracts based on appropriate assumptions. We agree with our colleagues on the Committee of Public Accounts that the Ministry "significantly overestimated the ability of CRCs to reduce their costs to match any fall in income when it agreed the contracts". (Paragraph 36)
4. Ambiguity remains about the nature of the changes made to the contracts with CRCs and what the Ministry got from the CRCs in return for the increased funding. We are concerned that it has been difficult fully to scrutinise public spending decisions as a result. Commercial confidentiality should not be so readily used as a barrier to openness and transparency. *We recommend that any significant changes made by the Ministry of Justice to CRC contracts, including those currently underway, should be publicly disclosed. This disclosure should include information on any significant changes to the payment model and funding for CRCs, as well as information on what the Ministry expects to receive in return for the changes.* (Paragraph 42)
5. We welcome the Minister of State's confirmation that terminating the contracts with CRCs before 2022 is "100% an option", if they do not deliver to the expected standards. We also note that the Ministry of Justice is currently in a further round of renegotiations with the CRCs on the contracts. Constant renegotiations of contracts only provides interim solutions to the issues facing the sector. *The Ministry of Justice should move away from a "sticking-plaster" approach of rolling contract negotiations following the current round of renegotiations. If contracts are to be terminated the Ministry of Justice needs to ensure that transition plans are in place which make sure that: offenders receive the support they require to be rehabilitated and their risk of reoffending does not increase. The Ministry should undertake a public consultation on any further changes to ensure a wide range of views on contractual arrangements. This public consultation should consider the number of CRCs and the bodies eligible to bid for CRC contracts.* (Paragraph 46)

6. We are concerned that most CRCs are still forecast to make a loss over the lifetime of the contracts, despite additional funding from the Government. Provider failure could be a serious problem if the financial positions of any CRC parent company alters. *The Ministry of Justice should continue to closely monitor the financial position of all CRCs to ensure that no CRC is suddenly unable to deliver probation services. It should ensure its contingency plans reflect the Principles set by the National Audit Office in its paper on “Managing Provider Failure”.* (Paragraph 49)
7. We are surprised that it costs HMPPS and HMPPS Wales more staff and money to manage the Ministry’s contracts with the 21 CRCs, than HMI Prisons has to inspect more than a hundred prisons, as well as young offender institutions, secure training centres, immigration removal centres, short-term holding facilities, police custody, military detention and court custody. (Paragraph 51)
8. We welcome the Minister’s determination and drive to increase CRC performance, even if that means there is an increased inspection and audit burden. It is important that any oversight balances being rigorous and supportive with duplicating oversight and giving conflicting advice to providers. *The Ministry should conduct a review after HMI Probation’s new inspection regime has been in place for a year to assess: the number of providers who are rated ‘good’ or ‘outstanding’; the additional burden being placed on providers because of the increased frequency of inspection; and whether there were any elements of the inspection and audit regimes which could be consolidated.* (Paragraph 55)
9. The current contracts have too great a focus on outputs and inputs compared to outcomes. A greater emphasis on outcomes would provide greater assurance to Ministers and the public that public money is being well spent and probation is having a positive impact on the life of individuals and society. *The Ministry of Justice should review contract performance measures so that they focus on outcomes, especially on housing, employment and drug rehabilitation, rather than inputs or outputs. This review should be completed by 1 February 2019 (four years after probation services were fully divided between the NPS and CRCs).* (Paragraph 62)
10. Concern was raised with us that the 2011 baseline for reoffending was an unfair measurement in which to compare CRC performance against in terms of reducing reoffending. We have identified that CRCs might be being penalised for increases in the frequency rate of reoffending that took place prior to the TR reforms and them taking over running probation services, however, this does not appear to be the case for the binary rate of reoffending. *In response to this Report the Ministry should set out whether the 2011 baseline for reoffending is the correct measure against which CRC performance should be assessed. If the Ministry believes that the 2011 baseline remains the correct measure it should set out its reasons why.* (Paragraph 66)
11. CRC performance in reducing reoffending, particularly the frequency rates, has been disappointing. The payment by results mechanism in the contracts with CRCs is not working as a sufficient incentive to drive improvement. However, we are not convinced that CRCs should carry full responsibility for poor performance in reducing reoffending as many of the factors that impact on reoffending are outside

the control of probation services. *In response to this Report the Ministry of Justice should review the payment by results mechanism and set out where it should be amended.* (Paragraph 70)

12. *By January 2019, when the next annual cohort data is released on final binary and frequency reoffending performance, the Ministry should ensure that CRCs receive full data relating to which of their offenders reoffended.* (Paragraph 71)
13. We remain unclear as to how the Ministry is tackling underperformance of CRCs on a day-to-day basis if it is not applying service credits. It is concerning that only 27% of service credits raised by the Ministry between July to September 2015 and April to June 2017 were applied. *In response to this Report the Government should set out what other steps it is taking to address underperformance of CRCs, including in cases where service credits are not applied.* (Paragraph 74)
14. We are unconvinced that splitting offenders by risk was the right way to split the probation system. Splitting the system in such a way does not recognise that the risk of harm an individual poses can change over time. *Should the Government decide that probation services should continue to be delivered as per the Transforming Rehabilitation reforms, we recommend that the Government should ask HM Inspectorate of Probation to conduct a review of how best offenders should be distributed between the NPS and CRCs, and to investigate the impact of changing offender risk and how the NPS and CRCs manage this matter.* (Paragraph 76)
15. The splitting of probation services between the National Probation Service and Community Rehabilitation Companies has complicated the delivery of probation services and created a “two-tier” system. Although we heard about joint working going on at a local and national level, problems in the relationship remain. (Paragraph 79)
16. We note that some improvements appear to have been made regarding the Rate Card in recent months and in some areas there has been an increase in the use of Rate Card services. Nonetheless, we are concerned that both the NPS and CRCs have found, and continue to find, the process overly cumbersome. *The Ministry of Justice should assess whether it remains appropriate to encourage the NPS to use CRC Rate Card services, or whether the NPS should be liberalised to develop its own supply chain as a matter of course.* (Paragraph 87)
17. The Transforming Rehabilitation changes have weakened local partnership working and local accountability, meaning there is less joined-up working and collaboration at a local level. *We recommend that in response to this Report the Ministry of Justice should set out its vision for future local accountability of probation and the role that Police and Crime Commissioners might play.* (Paragraph 90)

Providers and working relationships

18. In our view the Government has failed to open up the probation market, a key aim of the Transforming Rehabilitation reforms. We are not convinced by the Minister’s comments that the voluntary sector is more involved in probation than before the TR reforms. The decreased involvement of the voluntary sector, especially that of

smaller local organisations, is deeply regrettable and reduces the quality and array of services available to individuals on probation. This has resulted in fewer local and specialist services being offered. We are concerned that currently the details of supply chains of probation providers are not publicly available and therefore it is not possible to fully assess the scale of the voluntary sector's involvement. *We recommend that from 1 February 2019 the Ministry of Justice should publish information on probation supply chains for each CRC area and NPS region on a quarterly basis. This should include information on all sub-contractors (not just those in the voluntary sector) and the monetary value of the sub-contracts.* (Paragraph 100)

19. The evidence is mixed on what effect the introduction of targets for voluntary sector involvement might have on their participation in CRC supply chains. *We recommend that the Ministry of Justice should consider, in response to this Report, what benefits might be gained from reintroducing targets for each Community Rehabilitation Company on the proportion of its budget which should be spent on voluntary sector provision, and whether involving some of the smaller, more specialised voluntary sector organisations could be incentivised.* (Paragraph 102)
20. The Industry Standards Partnering Agreements (ISPA) are cumbersome for both probation providers and the voluntary sector, especially smaller organisations, and others who might reasonably form part of the probation supply chain. *By 1 February 2019, the Ministry of Justice should review the ISPA, with a view to reducing its length and complexity. The Ministry should write to the Committee after that review to set out the changes that it has made.* (Paragraph 106)
21. We appreciate that Section 4 of the Offender Management Act 2007 was not amended following the Transforming Rehabilitation reforms as it was felt to be inappropriate for a private company to be able to make commercial gains as a result of advice given to a court. We do not propose that changes should be made to Section 4 of the Offender Management Act 2007. Nonetheless, we are concerned that barriers remain in some areas and adequate information on services delivered by CRCs is not available to sentencers and NPS staff. Arrangements need to be in place consistently across England and Wales which ensure that sentencers are well informed about services offered by CRCs to compensate for CRCs' lack of direct access to the courts. (Paragraph 113)
22. *We recommend that the National Probation Service and Community Rehabilitation Companies should be required to provide the Ministry of Justice with workforce data on a quarterly basis. This should include information on the recruitment and retention rates for Probation Officers and other case managers by grade, and total workforce numbers by NPS area and CRC. This data should be published by the Ministry as part of its quarterly statistics.* (Paragraph 116)
23. Probation Officers and other case managers provide an important public duty and it is important that morale within the sector is maintained. *We recommend that from 2019 all providers, both CRCs and the NPS, should be required to use the same, or a similar, staff survey each year. Results of those staff surveys should be published for the seven NPS areas and the 21 CRCs.* (Paragraph 119)

24. We are concerned at the caseloads and workloads of probation staff. We are also concerned that there have been some claims that probation staff are handling cases for which they do not have the right training and/or experience. *We recommend that the Ministry of Justice should publish a probation workforce strategy, which covers both staff working in the NPS and CRCs, in the next 12 months. As a minimum, the strategy should set out the Ministry's expectations with regard to professional standards, training, and maximum caseloads/workloads for probation staff. This strategy should be developed in consultation with the trade unions and HM Inspectorate of Probation.* (Paragraph 126)
25. We are concerned that problems remain regarding data sharing across the criminal justice system. It is disappointing that CRCs have spent large sums of money developing IT systems to meet the Ministry's contractual requirements, only for the MoJ to move the goalposts. *By 1 February 2019, the Ministry of Justice should ensure that security constraints and IT barriers which prevent data from being shared between organisations involved in managing an offender from the point of arrest, in prison and through to support in the community are proportionate. This should include identifying how the number of IT systems could be rationalised and/or linked so that the same data is not repeatedly inputted into different systems.* (Paragraph 131)

Support for offenders on probation

26. It is extremely worrying that sentencer confidence in community alternatives to short custodial sentences has waned to such an extent that sentencers appear to be reluctant in some cases to order community sentences rather than short periods in custody, particularly as the latter have the worse outcomes in terms of reoffending. We welcome the Secretary of State's announcement that short custodial sentences (12 months or less) should be a "last resort". *We recommend that the UK Government should introduce a presumption against short custodial sentences. The Government should carry out an assessment of the potential impacts that such a policy might have, including on the prison population, both the male and female estate, and the allocation of cases to different courts.* (Paragraph 140)
27. We welcome the intention of the then Government's policy to improve consistency of post-sentence supervision provided to offenders, especially those receiving short custodial sentences. However, the current one-size fits all approach lacks the flexibility to meet the varying needs of offenders. *If short custodial sentences continue to be used, within 12 months the Government should consider repealing Section 2 of the Offender Rehabilitation Act 2014. Before repealing the Section 2 provisions the Ministry should assess what policy or legislative measures should replace those provisions.* (Paragraph 145)
28. A Through the Gate service which merely signposts offenders to other organisations is wholly inadequate. Following the Transforming Rehabilitation reforms, there is a risk that offenders now receive a £46 discharge grant and a leaflet rather than just £46. *We recommend that the Ministry of Justice should review the purpose of Through the Gate and the support that it provides offenders. As part of this review the Ministry should consider introducing a prisoner discharge pack, based on need, and minimum expectations on resettlement services offered and how offenders' knowledge*

of accessing Government services through digital portals can be improved. Real consideration should be given to whether it is appropriate to release prisoners with few family ties, from custody on a Friday, when access to Government services can be difficult. (Paragraph 152)

29. The current system of having a 12-week point at which pre-release resettlement activity commences is too inflexible and does not reflect the varying, and often complex, needs of offenders. *We recommend that offenders should begin receiving pre-release resettlement activity no later than 12 weeks prior to release. When an offender requires pre-release support before the 12-week pre-release point that should be provided and CRCs should be appropriately remunerated.* (Paragraph 156)
30. We agree with HM Chief Inspector of Probation that telephone reporting should not be used as the only means by which an offender is supervised. We consider that kiosk meetings are never likely to be appropriate and that telephone supervision should only be used in exceptional circumstances and not in isolation. Delivery of probation services must be supported by credible evidence. *The Ministry of Justice should set out its minimum expectations to providers on the balance between remote and face-to-face supervision, and on the location of meetings between an offender and their Probation Officer.* (Paragraph 161)
31. We are concerned that only one in two individuals are supervised by the same officer throughout their case. Providers must do more to ensure that an individual's Probation Officer or case manager is the same throughout their time on probation so that a trusting relationship can be developed between the individual and their Probation Officer or case manager. *The Ministry of Justice should introduce national guidance on best practice relating to changes to an individual's Probation Officer or case manager.* (Paragraph 164)
32. We do not think that it is proportionate for offenders to be credited with only one hour's worth of unpaid work when they have been stood down at the last minute and for factors which are outside their control. *When the Ministry of Justice responds to our Report it should have undertaken a review of output 3 of service element 6 of its guidance on unpaid work orders. It should set out in response to this Report any changes it will implement.* (Paragraph 169)
33. We agree with HM Chief Inspector of Probation that unpaid work orders should follow probation best practice. *We recommend that, where possible, unpaid work should contribute to the local community and be linked to education and training.* (Paragraph 172)
34. There are strong links between homelessness and reoffending. It is unacceptable that any local council has been able to deem an individual who has served a custodial sentence as making themselves intentionally homeless. This practice needs to be stopped given the links between homelessness and reoffending. We welcome the Minister's commitment to challenge local councils who take such an approach. *We recommend that the Government should amend the Homelessness Code of Guidance for Local Authorities, to make it explicit that an individual who is homeless because of having served a custodial sentence should be deemed vulnerable for the purposes of the*

Homelessness Reduction Act 2017. We further recommend that the UK Government should work with the Welsh Government to ensure that their homelessness legislation takes due account of the risks of reoffending. (Paragraph 182)

35. *We recommend that the Ministry of Justice should work with the Department for Work and Pensions to enable offenders serving custodial sentences to apply for Universal Credit (UC) prior to their release from custody so that they receive UC on the day of release. As an interim measure, and until offenders can receive UC upon release, the Government should set up a transitional credit fund for those offenders who have insufficient funds to provide for the basics, such as travel, a roof over their heads and food, in recognition that £46 is wholly inadequate to cover these. (Paragraph 187)*
36. *We are pleased that the Minister confirmed to us that schemes run in prisons to assist offenders in opening a bank account. The Government should consider how offenders who are being released to an unknown or non-fixed address can be supported in having access to a bank account, so that an absence of such an account does not prohibit the offender from getting a job, claiming benefits or securing a place to live. (Paragraph 190)*

The long-term delivery of probation services

37. *The Transforming Rehabilitation (TR) reforms are not meeting the then Government's aims. We are unconvinced that as things stand the TR model can ever deliver an effective or viable probation service. We recommend that the Ministry of Justice should initiate a review into the long-term future and sustainability of delivering probation services under the models introduced by the TR reforms, including how performance under the TR system might compare to an alternative system for delivering probation. The Government should publish its review, in full, by 1 February 2019. Given the issues which have arisen due to the speedy implementation of the TR reforms and lack of piloting, any new model must be thoroughly planned and tested. (Paragraph 200)*

Annex 1: Summary of previous evidence relating to Transforming Rehabilitation reforms

- 1) This annex summarises the concerns raised by witnesses to our predecessor Committee following the Transforming Rehabilitation reforms.
- 2) **Implementation of change:** Dame Glenys Stacey, HM Chief Inspector of Probation, explained to our predecessor Committee that the TR changes “happened at a remarkable speed”.³⁶⁵ Those in the sector told our predecessor Committee that the changes felt “rushed” and “there was not a lot of time [...] to consult, to listen and to reflect on what was presented back to the Ministry of Justice through various consultations”.³⁶⁶ Napo, a trade union, explained that the absence of a pilot was problematic and if there had been one “everyone would have been better informed”.³⁶⁷
- 3) Professor Senior, Chair of the Probation Institute, a probation professional membership organisation, was critical of the split in the system between CRCs and the NPS, which meant the questions of which organisation supervised an offender was determined by the offender’s risk of harm. He questioned the logic of that split, and noted that it had “caused and continues to cause issues”.³⁶⁸
- 4) **Contracts with Community Rehabilitation Companies (CRCs):** the Probation Institute, CRC providers and those in CRC supply chains³⁶⁹ raised concern with our predecessor Committee about requirements in contracts and how they were encouraging a “tick-box” approach.³⁷⁰ The CEO of MTCnovo, a CRC parent company, explained that “the service-level measures [these are the percentage at which a provider should achieve specified goals] are a tick box; in other words, you are working to a specific service-level measure, so that you do not incur service credits” (service credits are a form of contractual penalty) and called for CRCs to be measured on their outcomes.³⁷¹ HM Chief Inspector of Probation made a similar observation and explained that due to financial pressures and the nature of the contracts, “what gets measured gets focused on”.³⁷² The implication of this was that the support provided to offenders was not driven by best practice and the needs of the offender, but by meeting contractual targets which resulted in a payment for the provider.
- 5) Concern was also raised with our predecessor Committee, for example by Gabriel Amahwe, Director of Probation, Thames Valley Community Rehabilitation Company, about the financial security of the CRCs: “some of the challenges around commercial and operational stability have been an issue, in terms of the impact that they have had in

365 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q20](#)

366 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Qq46-47](#)

367 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q164](#)

368 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q130](#)

369 For example, voluntary sector and other organisations sub-contracted by the CRC.

370 See for example, oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Qq47, 72 and 124](#) and oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Qq135 and 196](#)

371 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q124](#)

372 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q2](#)

some of the CRCs [...] when going through that transformation”.³⁷³ Mr Amahwe went on to explain that a lack of stability ultimately impacted on providers’ ability to reduce reoffending.

6) **Finance:** related to issues with contracts was the financing of probation. HM Chief Inspector of Probation explained the difficulties that providers faced with regard to the reduced money available to them to provide services as a result of reduced workloads (CRC caseloads were “30% smaller than anticipated”, which impacted the funding they received to provide services). CRCs were having to “cut their cloth accordingly” and were running with fewer professional staff. Dame Glenys Stacey, went on to explain that the CRCs had several “basic costs” (such as premises, staff and running costs) which “must be paid before anyone walks in the door”.³⁷⁴ Since our predecessor took evidence the Government has made changes to the contracts and financing of CRCs. The changes made by the Government in July 2017, included making changes to the payment mechanism to reflect “the fixed nature of most of the costs that providers incur when delivering services to offenders”.³⁷⁵

7) Professor Senior of the Probation Institute indicated to our predecessor Committee that some of these financing issues could have been predicted:

the envelope for probation services, in funding terms, was seen as the same as it was previously—about £890 million—yet they were adding 46,000 new offenders to be supervised with through-the-gate services.³⁷⁶

8) HM Chief Inspector of Probation explained to the Justice Committee in the last Parliament that there had been some IT issues. Delays by the MoJ had inhibited the transfer of confidential information to CRCs and also stifled the transformation planned by the CRCs:

meeting the Department’s information security requirements has been quite a technical matter and has taken a lot longer than was perhaps anticipated. The long-promised strategic IT gateway that must be provided to enable confidential information to pass securely to CRCs is also not yet in place. [...] CRCs have sometimes found themselves wrong-footed. They have started, with an excess of enthusiasm, to implement new models—driven, no doubt, in no small part by the cost savings that would come—and have then found the implementation inhibited because they are unable to implement a key component of the transformation, the much-needed IT systems.³⁷⁷

9) **Staffing:** the trade unions highlighted to our predecessor Committee a number of staffing-related issues which had come about as a result of the TR changes. For example, Unison explained that there had initially been “an almost arbitrary 50:50 split” of staff between CRCs and the NPS, which had left the NPS understaffed and the CRCs overstaffed.³⁷⁸ Napo agreed in evidence to our predecessor Committee that morale was at

373 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q196](#)

374 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Qq1 and 17](#)

375 HC Deb, 19 July 2017, [cols 54–55WS](#)

376 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q132](#)

377 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q2](#)

378 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q162](#)

an “all-time low” across the probation service and that was in part caused by staff feeling “de-professionalised” and “the lack of investment in staff”.³⁷⁹ HM Chief Inspector of Probation painted a similar picture: staff were “overwhelmed” by the amount of work and change taking place, including “half-baked, halfway-implemented operating models that [were] stalled”.³⁸⁰

10) **Relationships between the probation sector and courts:** the Magistrates’ Association (MA) told our predecessor Committee that there was “great difficulty in creating relationships between sentencers and CRCs”, partly as some sentencers had “concern [...] about building relationships with organisations that have a profit motive”.³⁸¹ The MA explained that a reduced relationship between CRCs and sentencers had resulted in a “lack of confidence” in CRCs’ delivery of community sentences. The MA also highlighted other barriers to effective work between probation and sentencers—due to financial pressures and an absence of statutory requirements for liaison arrangements between probation and sentencers, “that which is not required tends to be that which does not get done”.³⁸² Interserve, a CRC parent company, also explained that increasing pressures on the NPS to deliver pre-sentence reports (see footnote for definition) to the courts quickly.³⁸³ This had resulted in more oral pre-sentence reports (these are prepared on the day at court and typically are used for low-risk of harm and first time offenders) from probation to the courts.³⁸⁴ Unison explained the view of a CRC member of staff who found that “poor communication with NPS at the point of sentence results in misallocation of cases and time delays in completing initial sentence plans”.³⁸⁵ The MA also explained that there was a lack of sentencer confidence, including with regard to community sentences: “it really requires some unpicking to work out where the punitive element is”.³⁸⁶

11) **Relationships with other parts of the criminal justice system:** Achieving Real Change in Communities, who run the Durham and Tees Valley CRC, highlighted to our predecessor “an issue of connection between the different parts of the system”.³⁸⁷ They advocated the need for the Government to look at the whole system: “the story of the offender, from the very start to the very end, whatever happens to them—if their risk rises and falls, if they go through court and certain outcomes result, and so on”.³⁸⁸

379 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q174](#)

380 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q6](#)

381 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q33](#)

382 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q31](#)

383 [Pre-sentence reports](#) are prepared under Section 156 of the Criminal Justice Act 2003 by the probation service before a custodial or community sentence is ordered. They should include an assessment of the nature and seriousness of the offence, and its impact on the victim. Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q78](#)

384 [Other types of pre-sentences reports](#) are: fast delivery report (requires a one-week adjournment. They are typically shorter and less detailed and can be used for medium risk of harm cases. Interviews will normally last for up to one hour and take place at the probation office) and Standard delivery report (requires a three-week adjournment is usually used for high risk of harm and serious complex cases. It includes a thorough risk assessment and detailed sentence plan. Interviews are up to two hours long and take place at the probation office).

385 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q168](#)

386 A [community sentence](#) combines punishment with activities carried out in the community. Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Qq32 and 34](#)

387 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q200](#)

388 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q200](#)

12) **Support for offenders—Through the Gate provision:** in evidence to our predecessor Committee Napo were critical of the TTG provision, explaining that “it [was] £46 and a leaflet now, as opposed to 46 quid before”.³⁸⁹

13) **Support for offenders—the approach:** The Probation Institute, explained that the “personal touch” was being lost as, “[the contracts were] all about workshops, because you have to get the volumes, the hours and the numbers in. It [was] more about making the referrals than it [was] about the valuable outcome”.³⁹⁰ Unison described the view of one of its members: the “emphasis [within the probation service] appear[ed] to be on quantity and not quality” of work.³⁹¹

14) **Support for offenders—innovation:** HM Chief Inspector of Probation explained that changes to probation activity following the TR reforms had not been as expected as there had not been “very much innovation” and “rather than seeing a large amount of activity, with many different things happening, we are seeing less happening than any of us would be comfortable with”.³⁹²

15) **Support for offenders—role for sentencers:** The MA explained that following the TR reforms and the introduction of Rehabilitation Activity Requirements (RARs)³⁹³ under Section 15 of the Offender Rehabilitation Act 2014, sentencers had “no power for the sentencer to direct that any particular activity will happen or any particular amount of time will be spent”.³⁹⁴

389 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q171](#)

390 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q53](#)

391 Oral evidence taken before the Justice Committee on 28 March 2017, HC (2016–17) 1018 [Q168](#)

392 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q2](#)

393 [Rehabilitation Activity Requirements](#) require offenders to obey any instructions issued by their supervisor to attend appointments or participate in activities.

394 Oral evidence taken before the Justice Committee on 21 March 2017, HC (2016–17) 1018, [Q33](#)

Annex 2: Summary of recommendations with a specific timeframe

Timeframe	Recommendations
In response to this Report (usually two months)	In response to this Report the Ministry should set out whether the 2011 baseline for reoffending is the correct measure against which CRC performance should be assessed. If the Ministry believes that the 2011 baseline remains the correct measure it should set out its reasons why. (Paragraph 66)
	In response to this Report the Ministry of Justice should review the payment by results mechanism and set out where it should be amended. (Paragraph 70)
	In response to this Report the Government should set out what other steps it is taking to address underperformance of CRCs, including in cases where service credits are not applied. (Paragraph 74)
	We recommend that in response to this Report the Ministry of Justice should set out its vision for future local accountability of probation and the role that Police and Crime Commissioners might play. (Paragraph 90)
	We recommend that the Ministry of Justice should consider, in response to this Report, what benefits might be gained from reintroducing targets for each Community Rehabilitation Company on the proportion of its budget which should be spent on voluntary sector provision, and whether involving some of the smaller, more specialised voluntary sector organisations could be incentivised. (Paragraph 102)
	When the Ministry of Justice responds to our Report it should have undertaken a review of output 3 of service element 6 of its guidance on unpaid work orders. It should set out in response to this Report any changes it will implement. (Paragraph 169)

Timeframe	Recommendations
By January 2019	<p>By January 2019, when the next annual cohort data is released on final binary and frequency reoffending performance, the Ministry should ensure that CRCs receive full data relating to which of their offenders reoffended. (Paragraph 71)</p> <p>We recommend that from 2019 all providers, both CRCs and the NPS, should be required to use the same, or a similar, staff survey each year. Results of those staff surveys should be published for the seven NPS areas and the 21 CRCs. (Paragraph 119)</p>
By 1 February 2019	<p>The Ministry of Justice should review contract performance measures so that they focus on outcomes, especially on housing, employment and drug rehabilitation, rather than inputs or outputs. This review should be completed by 1 February 2019 (four years after probation services were fully divided between the NPS and CRCs). (Paragraph 62)</p>
	<p>We recommend that from 1 February 2019 the Ministry of Justice should publish information on probation supply chains for each CRC area and NPS region on a quarterly basis. This should include information on all sub-contractors (not just those in the voluntary sector) and the monetary value of the sub-contracts. (Paragraph 100)</p>
	<p>By 1 February 2019, the Ministry of Justice should review the ISPA, with a view to reducing its length and complexity. The Ministry should write to the Committee after that review to set out the changes that it has made. (Paragraph 106)</p>
	<p>By 1 February 2019, the Ministry of Justice should ensure that security constraints and IT barriers which prevent data from being shared between organisations involved in managing an offender from the point of arrest, in prison and through to support in the community are proportionate. This should include identifying how the number of IT systems could be rationalised and/ or linked so that the same data is not repeatedly inputted into different systems. (Paragraph 131)</p>

Timeframe	Recommendations
	<p>We recommend that the Ministry of Justice should initiate a review into the long-term future and sustainability of delivering probation services under the models introduced by the TR reforms, including how performance under the TR system might compare to an alternative system for delivering probation. The Government should publish its review, in full, by 1 February 2019. Given the issues which have arisen due to the speedy implementation of the TR reforms and lack of piloting, any new model must be thoroughly planned and tested. (Paragraph 200)</p>
<p>Within the next 12 months</p>	<p>The Ministry should conduct a review after HMI Probation’s new inspection regime has been in place for a year to assess: the number of providers who are rated ‘good’ or ‘outstanding’; the additional burden being placed on providers because of the increased frequency of inspection; and whether there were any elements of the inspection and audit regimes which could be consolidated. (Paragraph 55)</p> <p>We recommend that the Ministry of Justice should publish a probation workforce strategy, which covers both staff working in the NPS and CRCs, in the next 12 months. As a minimum, the strategy should set out the Ministry’s expectations with regard to professional standards, training, and maximum caseloads/workloads for probation staff. This strategy should be developed in consultation with the trade unions and HM Inspectorate of Probation. (Paragraph 126)</p> <p>If short custodial sentences continue to be used, within 12 months the Government should consider repealing Section 2 of the Offender Rehabilitation Act 2014. Before repealing the Section 2 provisions the Ministry should assess what policy or legislative measures should replace those provisions. (Paragraph 145)</p>

Formal minutes

Tuesday 19 June 2018

Members present:

Robert Neill, in the Chair

Mrs Kemi Badenoch	John Howell
Ruth Cadbury	Victoria Prentis
Bambos Charalambous	Ellie Reeves
David Hanson	

Draft Report (*Transforming Rehabilitation*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 200 read and agreed to.

Annexes and Summary agreed to.

Resolved, That the Report be the Ninth Report of the Committee to the House.

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

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Tuesday 26 June at 9.30am

Witnesses

Oral evidence was received over two parliamentary sessions.

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page 2016–17](#) of the Committee’s website.

Tuesday 21 March 2017

Question number

Dame Glenys Stacey , HM Inspector of Probation.	Q1–28
Malcolm Richardson JP , Chair, Magistrates Association.	Q29–44
Nathan Dick , Head of Policy and Communications, Clinks, Nicky Park , Head of Prison Services, St Giles Trust.	Q45–73
Yvonne Thomas , Managing Director, Interserve Justice, Rich Gansheimer , CEO, MTCnovo.	Q74–128

Tuesday 28 March 2017

Professor Paul Senior , Chair, Probation Institute, Helen Schofield , Acting Chief Executive, Probation Institute.	Q129–158
Ian Lawrence , General Secretary, NAPO, Ben Priestley , National Officer, Unison.	Q159–189
Gabriel Amahwe , Director of Probation, Thames Valley Community Rehabilitation Company, Bronwen Elphick , Chief Executive Officer, Durham Tees Valley Community Rehabilitation Company, Michael Maiden , Chair, Achieving Real Change in Communities.	Q190–231

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page 2017–19](#) of the Committee’s website.

Tuesday 30 January 2018

Witness A, Witness B, Witness C, Witness D. Evidence from probation users taken in private.	Q1–117
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Tuesday 27 February 2018

Jacob Tas , Chief Executive, Nacro, Andy Keen-Downs , Chief Executive Officer, Pact, Steve Matthews , National Contracts Manager, Shelter, Lorraine Preece , Chief Executive Officer, YSS Ltd.	Q118–147
Beverley Toone , Senior Employment Projects Manager, Business in the Community, Sam Boyd , Policy and Impact Manager, Switchback.	Q148–172
David Lloyd , Chair, Association of Police and Crime Commissioners.	Q173–192

Tuesday 20 March 2018

Trevor Shortt, Director of Operations (Community), Sodexo, **Ed Roberts**, Finance Director, CRC business, Sodexo, **John Baumback**, Managing Director, Seetec, **Suki Binning**, CEO, Kent, Surrey and Sussex CRC

[Q193–251](#)

Sonia Crozier, Executive Director, Probation & Women, National Probation Service, **Kilvinder Vigurs**, Probation Divisional Director London, National Probation Service, **Lynda Marginson**, Probation Divisional Director North East, National Probation Service, **Ian Barrow**, Probation Divisional Director Wales, National Probation Service.

[Q252–278](#)

Tuesday 17 April 2018

Dame Glenys Stacey, HM Chief Inspector of Probation, HM Inspectorate of Probation, **Peter Clarke**, HM Chief Inspector of Prisons, HM Inspectorate of Prisons.

[Q279–338](#)

Rory Stewart MP, Minister of State for Justice, Ministry of Justice, **Ian Porée**, Executive Director for Community Interventions, HM Prison and Probation Service.

[Q339–374](#)

Published written evidence

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

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

- 1 A former Probation Officer ([TRH0004](#))
- 2 A mother of an IPP prisoner ([TRH0048](#))
- 3 A Police Officer ([TRH0006](#))
- 4 A Prisoner ([TRH0119](#))
- 5 A Probation Officer ([TRH0069](#))
- 6 A Probation Officer 2 ([TRH0099](#))
- 7 Adaptus Consulting LLP ([TRH0041](#))
- 8 Advance charity ([TRH0097](#))
- 9 Agenda ([TRH0038](#))
- 10 Anawim ([TRH0007](#))
- 11 Antisemitism Policy Trust ([TRH0001](#))
- 12 Association of Police and Crime Commissioners ([TRH0064](#), [TRH0109](#))
- 13 Business in the Community ([TRH0039](#))
- 14 Centre for Community, Gender and Social Justice ([TRH0024](#))
- 15 Centre for Crime and Justice Studies ([TRH0068](#))
- 16 Centre for Justice Innovation ([TRH0057](#))
- 17 Centre for Social Justice ([TRH0086](#))
- 18 Clinks ([TRH0060](#))
- 19 Commonweal Housing ([TRH0058](#))
- 20 Community & Criminal Justice, De Montfort University ([TRH0055](#))
- 21 Community Justice Coalition ([TRH0120](#))
- 22 Criminal Justice Alliance ([TRH0079](#))
- 23 David Chantler ([TRH0013](#))
- 24 Diocese of Worcester Criminal Justice Affairs Group ([TRH0019](#))
- 25 Dr Christine Hough ([TRH0027](#))
- 26 Dr Jake Phillips ([TRH0104](#))
- 27 Dr Lawrence Burke, Dr Matthew Millings and Mr Stuart Taylor ([TRH0053](#))
- 28 Dr Peter Pratt ([TRH0100](#))
- 29 Dr Rebecca Marples, Professor Charlie Brooker and Dr Coral Sirdifield ([TRH0095](#))
- 30 Durham Tees Valley Community Rehabilitation Company ([TRH0051](#))
- 31 ERSA ([TRH0047](#))
- 32 HM Inspectorate of Probation ([TRH0052](#), [TRH0115](#))
- 33 HMI Prisons ([TRH0062](#), [TRH0117](#))

- 34 INQUEST ([TRH0101](#))
- 35 Inspiring intelligence ltd ([TRH0089](#))
- 36 Interserve ([TRH0088](#))
- 37 Katherine Gleeson ([TRH0066](#))
- 38 LandWorks ([TRH0081](#))
- 39 Langley House Trust ([TRH0110](#))
- 40 London Borough of Hounslow ([TRH0044](#))
- 41 Magistrates Association ([TRH0023](#))
- 42 Ministry of Justice ([TRH0032](#), [TRH0118](#))
- 43 Miss Siobhan Ryan ([TRH0094](#))
- 44 Mr Andrew Bridges ([TRH0005](#))
- 45 Mr David Breakspear ([TRH0103](#))
- 46 Mr Grant Evans ([TRH0098](#))
- 47 Mr Jonathan and Gareth Evans ([TRH0040](#))
- 48 Mr Nariman Dubash ([TRH0012](#))
- 49 Mr Rob Allen ([TRH0071](#))
- 50 Mr Tony Knivett/John Budd ([TRH0093](#))
- 51 Ms Christine Lawrie ([TRH0029](#))
- 52 MTCnovo ([TRH0067](#))
- 53 Nacro ([TRH0078](#), [TRH0108](#))
- 54 Nadine and Richard Marshall ([TRH0003](#))
- 55 Napo and UNISON ([TRH0113](#))
- 56 Napo South-South West Branch ([TRH0014](#))
- 57 Napo The Four Shires branch ([TRH0026](#))
- 58 Napo, the Trade Union and Professional Association for Probation and Family Court Staff ([TRH0059](#), [TRH0105](#))
- 59 National Probation Service ([TRH0034](#), [TRH0116](#))
- 60 Northamptonshire Police and Crime Commissioner ([TRH0010](#))
- 61 Office of Police and Crime Commissioner Devon and Cornwall ([TRH0083](#))
- 62 Office of the Avon & Somerset Police & Crime Commissioner ([TRH0043](#))
- 63 PACT Future ([TRH0050](#), [TRH0114](#))
- 64 Parole Board for England & Wales ([TRH0054](#))
- 65 PCC for Cleveland and Crime and Victims' Commissioner for Durham ([TRH0085](#))
- 66 PCC for Hertfordshire ([TRH0065](#))
- 67 PeoplePlus ([TRH0046](#))
- 68 Philip Priestley and Maurice Vanstone ([TRH0082](#))
- 69 Police and Crime Commissioner for Dorset ([TRH0020](#))
- 70 Police and Crime Commissioner for North Yorkshire ([TRH0070](#))

- 71 Prison Reform Trust ([TRH0063](#))
- 72 Probation Institute ([TRH0025](#))
- 73 Professor Dr John Deering and Professor Martina Feilzer ([TRH0018](#))
- 74 Professor Peter Raynor ([TRH0031](#))
- 75 Reducing Reoffending Partnership ([TRH0037](#))
- 76 Revolving Doors Agency ([TRH0087](#))
- 77 Roger Statham ([TRH0008](#))
- 78 Seetec ([TRH0036](#))
- 79 Serco plc ([TRH0077](#))
- 80 Shelter ([TRH0030](#), [TRH0106](#))
- 81 Shelter and Nacro ([TRH0107](#))
- 82 Sodexo Justice ([TRH0061](#), [TRH0112](#))
- 83 St Giles Trust ([TRH0009](#))
- 84 Sussex Pathways ([TRH0021](#))
- 85 Sussex Police and Crime Commissioner ([TRH0015](#))
- 86 Switchback ([TRH0084](#), [TRH0111](#))
- 87 The Forward Trust ([TRH0049](#))
- 88 The Howard League for Penal Reform ([TRH0017](#))
- 89 The Salvation Army ([TRH0011](#))
- 90 Transition to Adulthood (T2A) Alliance ([TRH0022](#))
- 91 UNISON ([TRH0045](#), [TRH0102](#))
- 92 User Voice ([TRH0016](#))
- 93 why me? ([TRH0096](#))
- 94 Women in Prison ([TRH0076](#))
- 95 Working Links ([TRH0080](#))
- 96 YSS Ltd ([TRH0056](#))

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. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Disclosure of youth criminal records	HC 416 (Cm 9559)
Second Report	Draft Sentencing Council guidelines on intimidatory offences and domestic abuse	HC 417
Third Report	Pre-legislative scrutiny: draft personal injury discount rate clause	HC 374
Fourth Report	Draft Sentencing Council guidelines on manslaughter	HC 658
Fifth Report	HM Inspectorate of Prisons report on HMP Liverpool	HC 751
Sixth Report	Draft Sentencing guideline on terrorism	HC 746
Seventh Report	Small claims limit for personal injury	HC 659
Eighth Report	Young adults in the criminal justice system	HC 419
First Special Report	The implications of Brexit for the Crown Dependencies: Government Response to the Committee's Tenth Report of Session 2016–17	HC 423
Second Special Report	Government Responses to the Committee's Reports of Session 2016–17 on (a) Prison reform: governor empowerment and prison performance (b) Prison reform: Part 1 of the Prisons and Courts Bill	HC 491
Third Special Report	The implications of Brexit for the justice system: Government Response to the Committee's Ninth Report of Session 2016–17	HC 651