



House of Commons
Justice Committee

**Transforming
Rehabilitation: Follow-
up: Government
Response to the
Committee's
Nineteenth Report of
Session 2017–19**

**First Special Report of
Session 2019–20**

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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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Evidence relating to this report is published on the relevant [inquiry page](#) of the Committee's website.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/justicecttee and in print by Order of the House.

Committee staff

The current staff of the Committee are Nony Ardill (Legal Specialist), Fiona Hoban (Second Clerk), Seb Newman (Assistant Clerk), Su Panchanathan (Committee Assistant), Liz Parratt (Committee Media Officer), Christine Randall (Senior Committee Assistant), Ben Rodin (Committee Specialist), Holly Tremain (Committee Specialist), and David Weir (Clerk).

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You can follow the Committee on Twitter using [@CommonsJustice](https://twitter.com/CommonsJustice).

First Special Report

We have received the Government's Response to our Nineteenth Report of Session 2017–19, [Transforming Rehabilitation: Follow-up](#), HC 2526, Session 2017–19. The response came in a letter dated 15 October 2019 to the Chair of the Committee from Lucy Frazer QC MP, Minister of State for Justice. We publish the response as an Appendix to this Special Report.

Appendix 1: Letter from Lucy Frazer QC MP, Minister of State for Justice

Thank you for your recent report *Transforming Rehabilitation: Follow Up* and the recommendations contained within it. I write to respond to all but two of those recommendations (number 5 and 12). We will respond to the recommendation concerning the national working group around the Homelessness Act by December 2019 as requested. The recommendation concerning per-head costs of offender probation support remains under consideration by officials.

I remain grateful for the Justice Select Committee's continued scrutiny of the probation system and look forward to further engagement with the Committee as our plans for future arrangements move forward.

Please see the Department's responses set out on the attached memorandum.

Lucy Frazer QC MP

Appendix 2: Government Response

Responses to recommendations in Transforming Rehabilitation: Follow-Up

Recommendation 1

We welcome the Minister's offer to write to explain his plans to recruit and retain more probation officers, including current, planned and achieved numbers. This should include information about grade, development, training and caseload allocation.

Staff are the probation system's greatest asset. However, we know that the shift in demand for probation services has placed pressures on both the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs) and staff have been carrying high caseloads. We are taking steps to recruit additional probation staff to meet our forecast need and reduce reliance on agency staff, but will need to review existing qualification routes to ensure we can supply sufficient trainee probation officers. Specific information on staffing levels (numbers of required staff compared with numbers of staff in post) and current numbers of Trainee Probation Officers is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/825018/annex-probation-officer-recruitment-june-2019.xlsx

Numbers of Probation Officers in post in the National Probation Service are broadly stable. Attrition rates in the Probation Officer role are low, circa 6%. Numbers of NPS staff in post by grade as at 30 June 2019 (Full Time Equivalents) are shown in the table below:

NPS Band	Numbers
Bands A to D	168
Senior Probation Officer	761
Probation Officer	3,357
Other Bands 4–6	720
Probation Services Officer	2,460
Other Bands 1–3	2,478
National Probation Service Total	9,944

A 2018 recruitment campaign resulted in 289 trainee Probation Officers starting in post on 7 January 2019 in England. Through another recent Professional Qualification in Probation (PQiP) trainee recruitment exercise, we have recruited 400 trainee Probation Officers who will start in January 2020. On successful completion of the PQIP training, trainees are allocated to Probation Officer roles. NPS staffing requirements are reviewed annually in line with caseload changes, and recruitment plans/forecasts are revised quarterly based on latest available staffing and attrition data. Work is ongoing to finalise the number of trainees who we will recruit to the next two cohorts, which will start in June 2020 and January 2021. Currently the PQiP qualification is the only route to becoming a qualified Probation Officer. There are two course lengths, 15 or 21 months, depending on a candidate's previous qualifications.

Although we hold data on average caseload allocation in the NPS, it is not in a format which can be published in a manner which allows for meaningful comparison. We do not hold data on average caseload allocation for CRCs as their operating models differ significantly.

We are committed to better supporting existing probation officers. Our changes will recognise the specialism and value of probation work, while supporting staff to develop the right skills and expertise. We are currently working on recognising probation as a profession, to put probation on a par with teaching or social work. We are also working with our Trade Union colleagues to introduce new pay arrangements for NPS staff, and introducing new regional NPS leadership to support a smooth transition for staff and drive up standards.

Recommendation 2

We support the principle of an independent statutory register for probation professionals, since it is important to raise the status of the probation profession. It is important to consult widely on this, including with the unions, and we look forward to scrutinising the detailed proposals.

We recommend that the necessary legislation to introduce a statutory register for probation professionals be introduced as soon as possible, and certainly within the next Queen's Speech at the very latest.

Our immediate focus must be on ensuring our staff are supported and given the right opportunities to develop and maintain the skills and expertise needed to deliver in the new probation landscape. We agree that as part of the professional recognition agenda it is vital to establish a regulatory framework that governs the practice standards and qualification requirements for practitioners. In the immediate term, we will utilise the existing powers of MOJ and HMPPS to administer this framework. In the medium term, we will take steps to enshrine this in primary legislation.

Investing in and supporting our workforce is critical to the success of the changes we are making to strengthen the performance and delivery of the probation service. In order to achieve this there are a number of key areas in which we must take action. As a first step, we will develop a comprehensive workforce strategy for probation, which will include our plans for professional recognition. This strategy will crucially set out our thinking on the impact of our proposals on our workforce, as well as action needed to support the Government's ambition for the wider criminal justice system.

Recommendation 3

It is vital that the new system should be organised and funded in such a way that the involvement of the voluntary sector is protected and encouraged. We should be able to measure this.

- a) *The Government should develop a detailed evaluation strategy to ensure that it measures the impact of its new probation policy on the voluntary sector from 2020 in Wales and 2021 in England. This should include establishing the current baseline, to order to measure change.*

- b) *From the start of 2022, the Government should publish transparent figures setting out how much probation funding flows to the voluntary and private sector (including through sub-contracting), and to whom.*

We recognise the importance of the expertise and experience in voluntary organisations, many of which have a strong track record in supporting rehabilitation and helping offenders turn their lives around. We are developing an evaluation strategy for the future probation model to assess what works, and what doesn't work, so we are able to address any elements of our future approach that do not deliver the desired outcomes. We will consider how best different stakeholders, including the voluntary sector, work with the NPS and service providers to create a simpler delivery landscape which removes duplication, increases efficiency and strengthens accountability. In doing this, we will want to demonstrate how the landscape has changed from that under the current probation model and we will evaluate funding flows, both to the voluntary and private sector, to ensure that the department's investment buys the best probation services possible within the department's spending review settlement.

Recommendation 4

We acknowledge that it is still, in the words of the Minister, “fairly early days”, but we will want to see that this additional TTG funding makes a real difference.

The MOJ should provide us with an evaluation of TTG by the end of 2020, setting out how the funding has delivered improved support and better outcomes for offenders leaving custody and returning to the community.

We are conducting a process evaluation of the Enhanced Through The Gate specification (eTTG) and anticipate publication of our findings by the end of 2020. This evaluation is focused around the rollout of eTTG, and will collect early outcomes information, provide information on what providers are doing and why, and explain observed trends in monitoring and outcome data such as differences in accommodation and employment. However, it may be difficult to attribute any changes specifically to eTTG independently of other new policies in place, such as the new education contracts or OMIC, although we are designing our evaluation to provide as much evidence around this as possible. Additionally, any perceived changes in impact can only be considered transitional, to allow time for the policy to stabilise before impact can be determined.

Recommendation 6

We welcome the establishment of the cross-cutting Reducing Reoffending Board, but we have not seen the promised public announcements of its work.

The Minister for the Cabinet Office should update us in September 2019 on progress made by the Reducing Reoffending Board since his July 2018 letter. This update should set out how many times the Board has met since July 2018, the deliverable and measurable proposals agreed by the Board, how actions are being tracked and data collected to measure progress, and what specific and measurable outcomes have been achieved to date.

The Prime Minister established a new Cabinet Committee structure in July 2019 to replace that established by his predecessor. This structure will make sure the Government is focused on its core priority of delivering Brexit, that actions and accountabilities are clear and that it can respond quickly.

We are committed to ensuring offenders leaving prison have the tools they need to turn their backs on crime. We will continue to engage with our counterparts in other Government Departments when cross-Government collaboration is required to reduce reoffending. For example, the National Partnership Agreement for employment and welfare support in custody and the community 2019 to 2022 was published on 23 July 2019, and is supported by an ongoing joint programme of work at official level with regular engagement between the Ministry of Justice (MoJ)/HM Prison & Probation Service (HMPPS) and the Department for Work and Pensions (DWP).

Recommendation 7

The MOJ should write to us by October 2019 to tell us how it is improving post sentence supervision in order to meet our concerns, and those of the previous HM Inspector of Probation, that it is insufficiently flexible to meet the individual needs of offenders.

The Draft Operating Blueprint for the future probation model, published in June 2019, sets out a range of proposed changes to improve arrangements for post sentence supervision (PSS) in the future probation model:

- Availability of a range of rehabilitative interventions for licence and PSS.
- Sentence planning before release will be strengthened for both those on licence and those on PSS. The focus for PSS will be solely on rehabilitation.
- Cases will be managed according to their risk and need. Contact levels with individual offenders will reflect this. PSS cases will be excluded from the minimum monthly contact requirement (because its sole purpose is rehabilitation).
- Practice guidance will be provided by HMPPS to provide clarity on the purpose and expectations of PSS.
- Where cases have no rehabilitative needs, and are assessed as low risk, a process will be put in place whereby the Responsible Officer may refer to their line manager for agreement of suspension of the Responsible Officer's face-to-face contact (with oversight undertaken by telephone contact).

We will set out more detail on the operational implications of these changes in the autumn.

Recommendation 8

We very much welcome Government's stated intention to move away from short custodial sentences and look forward to scrutinising their proposals when these are brought forward. Proposals on short custodial sentences should set out the intensive rehabilitative approaches which will be put in place as an alternative to deal with prolific offenders, as well as how sentencer confidence will be increased.

In August the Prime Minister announced an urgent internal review of sentencing policy. This review had two main areas of focus: sentencing for the most serious violent and sexual offenders and the rules governing when and how those offenders are released; and changes to sentencing for the most prolific offenders which could help break the cycle of reoffending. Based on the findings of the review, the Government recently announced its intention to bring forward proposals for a comprehensive package of legislative reform. As part of this package, we plan to bring forward proposals for community penalties that offer an appropriate level of punishment, while tackling the underlying drivers of offending. We are considering the potential impact of changes to sentencing practice on probation services.

Recommendation 9

The risk of provider disinvestment will inevitably increase with the news that there will not be new CRC tenders in the pipeline.

We note the priority which the MOJ is placing on close contract management of the remaining term of the CRC contracts, and we will be deeply concerned about the value for money for the taxpayer of any future bail-out of such contracts. HMPPS must pay close attention to what the new HMI Probation reports about the health of probation provision during the transition to the replacement system.

We work closely with all providers to understand and manage any risks to the delivery of probation services. We keep the financial health of all of our providers under close scrutiny and have well-rehearsed contingency plans to ensure continued probation delivery even in the event of further provider failure. There are robust contractual provisions in place to ensure providers do not disinvest during the contract exit period.

Securing transition in a way that does not disrupt service continuity for service users or staff is a high priority for the programme. We are exploring opportunities to phase or stage the transition that could help to de-risk this period.

Recommendation 10

We agree with the NAO's assessment that the commissioning of TR was rushed and over-optimistic. The MOJ, HMPPS and NPS must learn from the experience of the failed and hurried introduction of the CRC/NPS split of services, if future commissioning is to prove more effective.

The Department was conscious throughout the development of the new model of the need to learn from Transforming Rehabilitation. The Department's commitment to listening to probation providers, staff, service users, sentencers and other stakeholders – not only during the consultation period but also subsequently, as the Department tested and evaluated its plans – reflects the determination to adopt a more consultative approach to policy development. The model we have adopted received widespread support in the consultation. We are now undertaking further engagement with stakeholders to ensure their views are taken into account as we develop more detailed plans for the transition to the new model and the future commercial framework.

The Department also recognises the importance of ensuring it has sufficient time to execute a smooth transition to the new model, with minimal disruption for staff and services.

In the design of the future model, we have adopted as a central principle the need to deliver operational stability. The integration of core offender management functions under the National Probation Service in future will promote a more sustainable commercial model for providers, as well as minimising the risk of disruption to offender supervision and public protection tasks.

Recommendation 11

When the period with the current CRCs has been finalised and completed, the MOJ should publish a cost analysis, setting out the spend on CRCs and the changes for the lifetime of the CRC contracts.

This work is now underway and the Department will be able to report back at the end of the contracts. However, Payment by Results data take two years to produce, so the full costs will not be known until two years after the contracts have ended.