



Ministry
of Justice

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House of Lords
London
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JUSTICE & HOME AFFAIRS COMMITTEE EVIDENCE SESSION

I was grateful for the opportunity to appear before the Justice and Home Affairs Committee on 19 September, to provide evidence for your inquiry on Community Sentences. I welcome the Committee conducting this inquiry as it is a subject that is a particular priority for me as Minister.

I hope the information below provides a comprehensive response to the follow up questions raised by Committee members.

Databases

The Committee requested information on why delivery partners have lost access to Probation databases. Commissioned Rehabilitative Service (CRS) providers do not have access to nDelius (the Probation Service's case management system), OASys (the tool for assessing risks and needs), NOMIS (the Prison Service's case management system) or an equivalent system in place in privately contracted prisons. These systems contain sensitive information relating to people in prison and under probation supervision that is not required by CRS providers to deliver their services. Instead, a digital service called Refer and Monitor (R&M) is available to both CRS providers and to Probation Service staff. R&M facilitates a speedy and effective referral process, with easy access to information about the services offered by CRS providers and allows information sharing between probation practitioners and providers to ensure progress is managed robustly.

Probation practitioners are required to share information with CRS providers to enable them to engage with people on their caseloads appropriately and be responsive to individual risks and needs. Staff delivering CRS in prisons are required to provide feedback to probation practitioners using R&M, including information regarding the person's conduct and behaviour during sessions, changes in circumstances and issues suggesting escalation or reduction in risk of harm/risk of reoffending.

Several enhancements have been made to the R&M digital tool since CRS services commenced in 2021, and we continue to explore ways to make improvements. We will be considering further developments to support recommissioning.

Ongoing development of IT systems

I promised to provide further information to the Committee on the development of IT systems. I understand that simpler, better and faster services save practitioners time, and ultimately help them make better decisions.

At the point of unification in 2021, our priority was to ensure that existing digital systems were brought across into the new organisation to support continuity of supervision. Since then, the focus has been on building new digital services to help transform the way our staff work. We are working across probation and prison systems to ensure data are joined up across the whole system.

There are two main systems used by probation staff:

- **nDelius**: the principal system for case management and;
- **OASys**: the system for assessing offender risks and needs and for completing their sentence plans.

Both systems have been in place for over a decade but have continued to be developed since introduction to support ongoing operational improvements.

We are building modern services that will allow us to replace parts of nDelius. Once completed, our intervention service (Refer and Monitor an Intervention) will allow us to switch off the part of nDelius that currently handles assigning interventions to people. Other examples include a service for aggregating data for staff considering making a recall, assigning someone leaving prisons to a community accommodation placement, and allocating cases to probation staff. Making these changes will take time, so Delius will remain our primary system in the immediate term.

Our long-term plan is that OASys will be replaced as part of the Assess Risks, Needs and Strengths (ARNS) Programme. This new service will be a quicker, dynamic assessment that will drive improved sentence and risk management planning. This project is expected to see a reduction in the time spent on current assessment tools that can be utilised for higher impact activities and interventions. It will use the latest academic research to change how practitioners assess risk and needs, moving to a collaborative, strength-based approach, that is supported and reflected in a new enabling digital service. This new digital service will reduce the dependency on OASys over the next three years and will eventually lead to it being decommissioned. ARNS will take an iterative approach over the next three years with a Minimum Viable Product being deployed next year.

We are already seeing the benefits of our innovation. The new 'Allocate a Person on Probation' pilot has shown promising results, significantly reducing the time to allocate a probation officer to a person on probation.

Data collection

The Committee requested to know whether improvements have taken place in the collection, collation and use of data (particularly in the context of geographical differences and disparities, and the continuity of data collection). The department has been working to improve all three of these areas.

Regional data

The department publishes a wide range of data on sentencing, probation operational delivery, and offender needs, which is annexed to this letter. Over and above this, data available internally are used to support probation regions. For example, probation and prisons use a Segmentation Tool which presents a

snapshot of caseload data for each probation region and prison. The tool applies evidence about risk, needs and responsivity to a data snapshot of the population in prison and under probation supervision, helping operational leaders to plan and commission services which help address the criminogenic needs of their caseload.

Regarding information about the availability of requirements from one region to another and probation's performance in delivering them, we publish this through:

- Online region-by-region summaries of the different interventions provided by probation and what they involve. Although primarily aimed at members of the judiciary, these are accessible to any partner organisation or member of the public in the interests of transparency (see annex for further details).
- Annual data on probation's performance against its targets (see annex for further details).
<https://www.gov.uk/government/statistics/community-performance-annual-update-to-march-2023>

HMPPS's Judicial Engagement Charter sets out how judges are kept informed of the availability of interventions. For pre-sentence advice to courts in individual cases, probation has a framework in place to ensure that the availability and suitability of particular interventions are known to the pre-sentence report writer and, hence, to the sentencing judge. This is done through a digital tool called the Effective Proposal Framework. It draws on regularly updated information provided by regions and HMPPS headquarter teams to shortlist every requirement, licence condition or intervention that is available in the area and which the person on probation meets the eligibility criteria for, based on the nature of the offending and the individual's risk and need profile. It remains the professional judgement of the Probation Practitioner to assess, from this list of eligible options, which of the available options are the most suitable for the person being assessed.

Costs

Regarding costs, the total probation spend for 2021/22 was £1,054m (covering core probation across England and Wales as well as Community Accommodation and the Probation Programmes). However, this includes spend on supervising those on licence. Probation costs are primarily staffing related with many staff working across community sentences and licence, meaning there is not a simple way to disaggregate these costs.

Analysts in the department are currently in the process of updating probation unit costs, but the Committee is correct that on average, a Community Sentence is likely to be cheaper than most short custodial sentences (including cost of supervision). However, the short custodial sentence and Community Order (CO) cohorts have some key differences that may mean that if the short custodial sentence cohort were to be managed in the community instead, the intensity of the CO and requirements given may differ from that of the current CO cohort.

Data innovation

As part of wider efforts to improve data, the department has developed an award-winning data linking software package which allows us to link records between datasets that lack unique identifiers. Through programmes like Better Outcomes through Linking Data (BOLD) and DataFirst the department is conducting pioneering work to link datasets across government. This enables internal analysts and

external researchers to conduct more holistic analysis of cross-cutting problems, including investigating offenders' and victims' journeys through the criminal justice system for the first time.

Peer mentors

The Committee requested further information on how the current peer mentoring system functions. Peer mentoring is delivered in prisons, in the community by the Probation Service, by third sector organisations and Commissioned Rehabilitative Services. A peer mentor is an 'expert by experience' who can help others by using relationship-based support to address rehabilitative needs. It also advances the lived experience agenda by providing a voice to a marginalised group.

The peer mentoring schemes run by the Probation Service are organised at regional level under the Engaging People on Probation Manager and a senior sponsor. Schemes are currently operating, at differing scales, in seven probation regions with an estimated 200 volunteer mentors. The aim is to have in-house schemes available in all parts of the country to support people on probation.

Whilst peer mentors are generally individuals with lived experience of prison and/or probation services, some probation regions also provide opportunities for volunteers without lived experience (e.g students studying relevant degrees). People who have committed certain index offences are not eligible for a volunteering role such as sexual offending, terror-related offending and serious violent offending.

Candidates deemed eligible will complete a comprehensive training course (a minimum of 22 hours), and are then able to start mentoring, in a role similar to a Classroom Assistant, and more generally by helping people to complete their order. For example, with Community Payback, peer mentors can support people on probation to complete their hours by engaging them in Education, Training and Employment activities.

All peer mentors will receive regular supervision and support. Some peer mentors may continue to peer mentor around their paid employment for several years, and there are several examples of volunteer mentors successfully applying for paid roles within the Probation Service, such as progressing to a Peer Mentor Co-Ordinator role.

Update on Commissioned Rehabilitative Services

We are undertaking extensive evaluation of the existing Commissioned Rehabilitative Services (CRS) to ensure lessons are learnt. We are engaging with interested parties, including the third sector, prison and probation staff and people in prison and on probation, to ensure everyone contributes to the design of future services. A 21-month formal CRS evaluation has been commissioned from June 2023 to March 2025, looking at process, implementation, impact and value for money and will then be built into the new contracts where appropriate.

The recommissioning programme is in place and plans are well developed. At this current time, HMPPS are currently working with probation regions to develop high level commissioning proposals, before progressing through the formal approvals process.

The new services will be designed to meet the CRS recommissioning objectives, which include but are not limited to:

- Enforcing Rehabilitation Activity Requirements/licence appointments to address rehabilitation needs; Accommodation; Education, Training & Employment; Lifestyle & Associates, Family &

Significant Others, Emotional Wellbeing and Social Inclusion (through-the-gate mentoring) – all currently grouped as Personal Wellbeing; Finance, Benefits & Debt; and Dependency & Recovery;

- Services provided in prison to support resettlement, from reception to release and through the gate;
- Achieving and demonstrating outcomes across all regions;
- Providing value for money;
- Achieving savings from current spend to fit within revised budget allocation;
- A simple service user journey (across in-house, wider statutory and commissioned services);
- A collaborative and constructive relationship with providers.

A communications and engagement plan is in place to ensure that engagement takes place in a timely way, including dedicated market engagement. Further consultation will take place this winter.

I would like to take this opportunity to thank you again for inviting me to give evidence, as well as for exploring this important topic so thoroughly. I reiterate my enthusiasm and commitment to reducing reoffending through administering effective community sentences and am therefore most grateful for the valuable work that the Committee is carrying out.

I keenly anticipate the publication of the Committee's report, and in the meantime my officials will be very happy to assist with any further enquires.

Damian Hinds
Minister for Prisons and Probation

ANNEX – Publications

- Sentencing data- including the Magistrates Court tool¹ as part of Criminal Justice System Statistics which provides a range of data on magistrates sentencing including regional data.
- Probation Statistics as part of Offender Management Quarterly Statistics² which provide requirements data as well as regional breakdowns (at probation region level) by sentence type and sex for probation starts, caseload and completions.
- Needs data - identified needs of offenders in custody and the community.³
- Community Performance data⁴
- Brochure of Probation Interventions – Handbook for Members of the Judiciary⁵

¹ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>

² Latest annual data

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1153208/Probation_2022.ods (tables A4.8 to A4.10 include requirement level data)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1153211/CSV.zip
Latest quarterly data

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1173716/Probation_Q1_2023.ods (tables 6.3 and 6.4 include requirement level data)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1173719/CSV.zip
³ <https://www.gov.uk/government/statistics/identified-needs-of-offenders-in-custody-and-the-community-from-the-offender-assessment-system-30-june-2021>

⁴ <https://www.gov.uk/government/statistics/community-performance-annual-update-to-march-2023/community-performance-annual-update-to-march-2023>

⁵ <https://welcome-hub.hmpps.intranet.org.uk/working-together/brochure-of-probation-interventions/>