



House of Commons
Justice Committee

**The future of the
Probation Service:
Government Response
to the Committee's
18th Report of 2019–21**

**First Special Report of Session
2021–22**

*Ordered by the House of Commons
to be printed 29 June 2021*

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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Publication

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

Committee staff

The current staff of the Committee are Chloë Cockett (Senior Specialist), Su Panchanathan (Committee Operations Officer), Tracey Payne (Committee Specialist), George Perry (Committee Media Officer), Christine Randall (Committee Operations Manager), Jack Simson Caird (Assistant Counsel), Ben Street (Second Clerk), Holly Tremain (Committee Specialist), and David Weir (Clerk).

Contacts

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

First Special Report

On 23 April 2021 the Justice Committee published its Eighteenth Report of Session 2019–21, [The future of the Probation Service](#) (HC 285). The Government's Response was received on 22 June 2021. The response is appended to this Report.

Appendix: Government Response

Dear Bob,

I am writing in response to the Committee's report on the Future of the Probation Service. I welcome its findings and have provided the Government's response to the Committee's recommendations in a Memorandum attached to this letter, as well as sharing with you some steps we have taken since its publication towards the implementation of the unified model for probation service delivery. I would like to draw out the following points.

We are introducing structural changes that lay the foundation for longer term reform. These plans have been outlined by our Target Operating Model, which we published in February this year.

We remain on track to transition the unified model for the Probation Service on 26 June and to begin implementing our aim to provide better supervision and support for offenders, whilst also providing resilience and stability for core services. This will allow us to deliver longer term improvements by increasing the quality of frontline services, reducing caseloads for staff, and transforming key supporting infrastructure such as estates, IT equipment and digital services.

I fully agree with the Committee on the importance of addressing both judicial and public confidence in sentencing. Probation court teams are central to supporting justice and we will be implementing changes that build upon existing mechanisms, take lessons from pilot areas, and develop new innovations to meet changing needs. This will result in a strong focus on pre-sentence reports to ensure that they are used as a diagnostic tool driving the assessment of individual needs and levels of risk and the generation of suitable sentencing recommendations.

I recognise too that our staff are our most valuable asset and our plans for reform seek to make a significant investment in them. This will be achieved through measures to increase recruitment and improve retention; and through investing in a diverse and inclusive workforce that recognises the benefits which can be brought by the involvement of individuals with lived experience of the Criminal Justice System. We will also continue to invest in supporting our staff to improve so that they have the skills and confidence they need to undertake their roles effectively.

The Government remains committed to bringing in the expertise and innovation of the voluntary sector and has designed a commissioning framework that provides flexible arrangements at regional and local level for accessing specialist rehabilitative and resettlement services. The payment mechanism for these services has been specifically designed to help reduce barriers to the voluntary sector in entering procurement competitions. As a result, we have awarded fixed price contracts with a volume cap to mitigate financial risk to suppliers.

I recognise that the impact of Covid-19 meant that the Probation Service had to adapt its delivery model in the last year in unprecedented times and that the measures taken were effective in continuing to deliver and adapt its delivery model, particularly around ensuring continued support to courts. I can assure the Committee that my department will continue to engage with you to keep the Committee up to date on our continued work to deliver our longer term reform ambitions.

Yours ever

RT HON ROBERT BUCKLAND QC MP

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned
1	<p>We welcome the decision to unify the Probation Service once more. We warn, however, that, after the disruption of the past seven years, changes proposed and begun to the probation system must be fully thought through, properly funded and expected to remain in place for a period of decades rather than months or a few years. We seek an assurance from the Ministry of Justice that the new reforms will do so. (Paragraph 33)</p>	Agreed	<p>The government welcomes the Committee’s support for a unified probation service. In designing the new unified model, we have sought to learn lessons from Transforming Rehabilitation and have drawn on the insight from reports by the Committee and other scrutiny bodies. In particular, we have been mindful of the Committee’s previous conclusions on the current model, for example on third sector involvement, the quality of services such as Through the Gate, how offenders’ risk is managed, and on funding and payment mechanisms.</p> <p>The ambitions set out in the Target Operating Model are long-term and will take a number of years to realise. The structural changes that come into effect on 26 June 2021 are the starting point for reforms. We recognise that structural stability from that point onwards is necessary to give probation leaders and staff a strong foundation to build on and implement the new Operating Model. We believe the new structures provide the right balance between local, regional and national to give flexibility to respond to future challenges and have no current plans to change them further.</p> <p>We also recognise the need for long-term investment in probation to bring caseloads down, improve the quality of frontline services, and transform key supporting infrastructure such as estates, IT equipment and digital services. HM Treasury has agreed an extra £155m of resource and £75m of capital to invest in the reforms in 2021/22. We have worked closely with HM Treasury on the business case for the reforms and will continue to do so as part of the upcoming 2021 Spending Review.</p>

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned
2	<p>We recommend that the Lord Chancellor and Secretary of State for Justice make it clear whether his cancellation of the Probation Delivery Partner programme was a pragmatic decision as a result of the additional pressures raised by the covid-19 outbreak or a decision on principle to bring unpaid work and behavioural change programmes back within a unified national probation service for the long term. In particular, we invite him to confirm whether the Ministry plans to reconsider or revive a Probation Delivery Partner programme once the covid-19 pandemic has been contained. (Paragraph 35)</p>	Agreed	<p>The decision to cancel the Probation Delivery Partner procurement was taken as a result of reviewing the impacts of the pandemic on our ability to deliver a smooth and successful transition. We are now implementing that strategic decision and have no current plans to reconsider the outsourcing of the delivery of Unpaid Work and Accredited Programmes.</p> <p>We are in the final stages of transferring a large number of CRC staff delivering these interventions into the Civil Service and want to ensure that this group of staff have clarity about their employer and terms and conditions for the future. We are confident that the Target Operating Model we are implementing is the right way to deliver probation services in the longer-term.</p>
3	<p>We recommend that the Ministry review its decision to seek partners while the new model was still being developed and to report to us on whether future procurement processes will prevent the cancellation of proposed new contracts at such a late stage in a process and after potential bidders have put considerable time and effort into nugatory bids. (Paragraph 36)</p>	Partly Agreed	<p>This recommendation has been partly agreed as the decision to discontinue to Probation Delivery Partner competitions was taken following a review process.</p> <p>We never enter into a procurement with the intention of cancelling it; unfortunately, changes in circumstances sometimes require a change of approach, and all organisations participating in a procurement recognise this risk. This was the case with the cancellation of the Probation Delivery Partner competition, as a result of reviewing the impacts of the pandemic on our ability to deliver a smooth and successful transition. We made that decision as promptly as we could and paused the competition as soon as it was under review to avoid further investment of resources by bidders.</p>

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3— con- tinued			We made clear in the procurement documentation, as well as during market engagement, that costs associated with participating in any stages of the procurement process would solely be borne by the bidders. This is standard practice in procurements except in some rare circumstances.
4	We recommend that the Ministry of Justice sets out how it will assess whether the new probation delivery model improves sentencer confidence, what criteria will be used to make that judgment, and what research will be undertaken, and data gathered. (Paragraph 44)	Agreed	<p>We have developed a comprehensive evaluation strategy for the new probation delivery model, and sentencer confidence will be one of the measures we assess the reforms against. We have developed an annual judicial survey and administered it alongside extensive publicity between March and April 2021 as the basis for a new performance measure. A score on judicial satisfaction will be generated from a number of questions (helpfulness of sentencing advice, satisfaction with quality of breach reports, information about probation delivery, and satisfaction with the service provided by local Probation Service), for which a baseline will be derived from the 2021 survey. Targets have been set for the number of responses received to produce statistically valid results both nationally and regionally.</p> <p>The survey supports local and national judicial liaison arrangements enabling the targeting of activities based on judicial feedback. All regional and local judicial engagement activity is now tracked locally and monitored by the probation service's Central Court Team, and this is reported back to the HMPPS Judicial Forum and Regional Probation Directors.</p>

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5	We recommend that the MOJ sets out what other action is being taken to improve judicial and public confidence in sentencing, particularly for the delivery of community sentencing.	Agreed	<p>In the white paper '<i>A Smarter Approach to Sentencing</i>' we have set out our plans to improve public protection while also tackling the cycle of reoffending.</p> <p>To achieve those goals, the changes to legislation and use of new technology set out in the White Paper need to sit alongside improvements in operational delivery. The key community reforms proposed in the White Paper include:</p> <ul style="list-style-type: none"> • Strengthening use of pre-sentence reports • Piloting problem-solving courts • Extending the scope for electronic monitoring • Expanding use of community sentence treatment requirements <p>Court work: We are supporting improvements in the quality of PSRs through a range of measures. The Effective Proposal Framework (EPF) digital tool supports probation staff to present sentence proposals consistently in line with policy informed by evidence and sentencing guidelines. Using the EPF tool, the assessing officer can offer the court the most effective intervention(s) to protect the public, to rehabilitate and to punish the person subject to court proceedings. The proposal will be proportionate to the seriousness of the offence and based on individual risk and needs identified in the assessment. Where there are particular circumstances in a case that have not been factored into the tool, the assessing officer can apply a professional override and choose proposal options that are more suited.</p>

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5— con- tinued			<p>Moreover, we are rolling out a new Prepare a Case for Sentence tool to support the early identification of individuals who would benefit from a PSR.</p> <p>We are also piloting an alternative delivery model for PSRs in 15 pilot magistrate courts. The pilot is testing the hypothesis that the increased delivery of quality and timely PSRs to assist sentencing determinations for certain offenders in magistrates' courts will improve offender outcomes, sentencers' confidence and the administration efficiency in justice. The alternative delivery model includes i) the pre plea protocol, intended to increase the effectiveness of the first hearing by having all information available to assist with sentencing; ii) maximising the capability of probation to deliver higher quality reports on the day, and iii) encouraging the delivery of short format written reports for individuals recognised as commonly presenting with higher needs, namely females, young adults and those at risk of custody. The pilot will be evaluated and inform the roll out of these practices across all courts in England and Wales and our long-term ambition for probation's role at court is to increase the proportion of cases sentenced with a pre-sentence report (PSR) to 75 per cent.</p> <p>All of the above delivery changes will be underpinned by comprehensive engagement with sentencers and other partners. Sentencers will be provided with continual evidence relating to interventions, their effectiveness and the outcomes of sentence management, and clear information on local availability of interventions delivered by the Probation Service and through Commissioned Rehabilitation Services.</p>

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5— con- tinued			<p>Community Sentence Treatment Requirements: This year, local authorities have received an £80m boost to funding for drug treatment for offenders, including those on drug rehabilitation requirements (DRRs) and alcohol treatment requirements (ATRs), and we are working with local Directors of Public Health to make sure pathways are in place so that we can increase the numbers of DRRs and ATRs handed down by the courts. We are also working with NHS England to expand the use of mental health treatment requirements (IMHTRs) to 50% of the country by 2023. We will be encouraging the use of combined orders across DRRs, ATRs and MHTRs where offenders have multiple needs to provide a more cost-effective therapeutic alternative to short prison sentences.</p> <p>Problem Solving Courts: The aim of the Problem Solving Courts (PSC) approach is to provide an intense but alternative sentence to custody through treatment interventions and links to wider support services, with judicial oversight through regular court reviews, more intense probation supervision, and a system of incentives and sanctions to encourage compliance.</p> <p>We intend to pilot PSCs in up to five courts for offenders with complex needs, substance misuse issues, female offenders and domestic abuse perpetrators. One of the avenues for this to be achieved, includes a multi-agency approach with links to wider support services.</p> <p>The PSC measures will provide a range of tools to tailor a sentence to an offender and to support them to complete their sentence and any community requirements attached to it.</p>

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5— con- tinued			<p>Electronic Monitoring: In March we completed the roll out of Alcohol Monitoring Tags and now all courts in England and Wales are able to impose the Alcohol Abstinence and Monitoring Requirement. The England launch follows the successful introduction to courts in Wales last October and, as in Wales, we are already seeing judges and magistrates use this new requirement to help tackle alcohol-related offending.</p> <p>The Police, Crime, Sentencing and Courts Bill will deliver on our White Paper commitment to make community sentences more robust and responsive by legislating to increase the length and flexibility of a curfew.</p>
6	<p>We recommend that the MOJ sets out what criteria it uses to measure the effectiveness of community sentencing, including the effect on reoffending. (Paragraph 46)</p>	Agreed	<p>The existing evidence base on community sentences demonstrates they can be effective in reducing reoffending. For example, the Ministry of Justice published research in 2019 which showed that sentencing offenders to community sentences rather than short-term custody was associated with lower proven reoffending (The impact of short custodial sentences, community orders and suspended sentence orders on reoffending).</p> <p>We will continue to measure the effectiveness of community sentences using a range of measures such as completion rates, as well as accommodation and employment outcomes. Proven reoffending statistics broken down by sentence type will also continue to be published, where for the unified probation model we can expect the first cohorts of data to be available in 2023 given the necessary time lag required to measure reoffending reliably.</p>

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6— con- tinued			Further research is also planned on community sentence options including community sentence treatment requirements and electronic monitoring.
7	We recommend that the Ministry of Justice set out how they intend to increase NPS capacity to prepare pre-sentence reports. The MOJ should also set out what work is being done besides this to improve the quality of pre-sentence reports, ensuring that those completing them understand and convey to sentencers what the needs of the offender are, and what is available in the local community where a community sentence may be appropriate. (Paragraph 56)	Agreed	<p>Our long-term ambition for probation’s role at court is to increase the proportion of cases sentenced with a pre-sentence report (PSR) to 75 per cent. The emphasis will be on providing more detailed reports targeting increases, in particular for women, people from ethnic minority backgrounds and those at risk of a short custodial sentence, to inform safe sentencing and support long-term desistance.</p> <p>To support this, we aim to increase in staff numbers for probation court teams and consequently we have committed to increasing our recruitment of trainee probation officers. Historically we have recruited circa 600 trainees each year, but in 2020/21 we were successful in on-boarding over 1,000 trainees and for this year (2021/22) our target is to recruit 1,500.</p> <p>We will also introduce improved digital systems to support more effective and efficient assessments. Our aim is that these will bring together actuarial and dynamic risk assessments, previous conviction status and any existing probation management of the individual, simplifying the current setup which involves overlapping assessments carried out with a range of digital applications.</p> <p>In the shorter-term, we are supporting improvements in the quality of PSRs through a range of measures. The Effective Proposal Framework (EPF) digital tool is in</p>

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7— con- tinued			<p>place and supports probation staff to present sentence proposals consistently in line with policy informed by evidence and sentencing guidelines. Using the EPF tool, the assessing officer can offer the court the most effective intervention(s) to protect the public, to rehabilitate and to punish the person subject to court proceedings. The proposal will be proportionate to the seriousness of the offence and based on individual risk and needs identified in the assessment. Where there are particular circumstances in a case that have not been factored into the tool, the assessing officer can apply a professional override and choose proposal options that are more suited. We are also rolling out a new Prepare a Case for Sentence tool to support the early identification of individuals who would benefit from a PSR.</p> <p>We are also piloting an alternative delivery model for PSRs in 15 pilot magistrate courts. The pilot is testing the hypothesis that the increased delivery of quality and timely PSRs to assist sentencing determinations for certain offenders in magistrates' courts will improve offender outcomes, sentencers' confidence and the administration efficiency in justice. The alternative delivery model includes i) the pre plea protocol, intended to increase the effectiveness of the first hearing by having all information available to assist with sentencing; ii) maximising the capability of probation to deliver higher quality reports on the day, and iii) encouraging the delivery of short format written reports for individuals recognises as commonly presenting with higher needs, namely females, young adults and those at risk of custody. The pilot will be evaluated inform the roll out of these practices across all courts in England and Wales.</p>

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7— con- tinued			All of the above delivery changes will be underpinned by comprehensive engagement with sentencers and other partners. Sentencers will be provided with continual evidence relating to interventions, their effectiveness and the outcomes of sentence management, and clear information on local availability of interventions delivered by the Probation Service and through Commissioned Rehabilitation Services.
8	We welcome the analysis the Department is undertaking on who is bidding under the Dynamic Framework and the issues arising from the bidding process, and we recommend that the Ministry of Justice publish this analysis, alongside a plan of what measures will be taken to address any issues identified. (Paragraph 74)	Agreed	<p>We have had extensive engagement with Clinks throughout design and development of the Dynamic Framework (DF) and service specifications for Commissioned Rehabilitative Services. We have shared information and plans to help meaningful consultation with the voluntary sector. In its role as a representative of the voluntary sector, Clinks has shared views, input and challenges from its members, which we have sought to address in design decisions where possible.</p> <p>We will publish the findings of the independent review commissioned by Minister Frazer, as well as the actions we are taking to continue to improve ease of access to the bidding process under the Dynamic Framework (DF). We will begin publication of data on suppliers and their supply chains to aid collaboration within the market, as well as statistics on SME/VCSE involvement in the DF. We expect the findings of the independent review to be published in June; we expect our first publication of more detailed data on suppliers and their supply chains to be in the procurement portal (which is open to any party that requests access) by 21 May 2021. We will then work on how we can ensure this is disseminated further via the MoJ internet pages.</p>

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9	We welcome the work the Ministry is doing to feed into the Cabinet Office review of procurement and recommend that the MOJ update the Committee on the outcome of this review. (Paragraph 75)	Agreed	The formal Consultation on the Green paper on Transforming Public Procurement closed on 10 March. As a part of that Consultation the MoJ engaged with Cabinet Office to reflect on key lessons from major Programmes, drawing particularly on the current Probation contracts and the newly developed Dynamic Framework. Cabinet Office are currently working through the outputs from the Consultation.
10	The potential for contracts to be underfunded is of significant concern to the Committee and we recommend that the Ministry of Justice set out how they are modelling projected volumes and contract values, and also what is being done to ensure that contracts are sufficiently resourced and deliverable according to the funding that is available. (Paragraph 81)	Agreed	<p>We have awarded fixed price contracts for rehabilitative services commissioned through the Dynamic Framework, with a volume cap (with volume bands applying only in larger contracts) to mitigate financial risk to suppliers as a result of volume movement.</p> <p>The caseload volumes were calculated using historical caseload data, estimating cases that meet the eligibility criteria for services under the Framework, and then projecting those volumes forward based on future caseload forecasts, to give volumes for each year of the contract. These projections also take account of the additional increase in caseload estimated from increasing numbers of police officers.</p> <p>For the larger competitions, a volume band approach was used with four different scenarios applied to the projected caseload volumes described above. This resulted in a high and low caseload estimate for each of the four different scenarios or bands, each with an associated contract value. These volume bands allow for a guaranteed minimum income for suppliers if actual caseloads during the contract are lower than our estimates and allow for economies of scale where volumes are in line with or greater than estimates.</p>

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10— con- tinued			<p>Contract values were calculated by taking the volume estimates and multiplying by the unit costs of each service under the Framework, taking account of intensity (low, medium or high) for expected cases, and adjusting for the available budget.</p> <p>To ensure contracts are sufficiently resourced regional contract management and commercial teams will have responsibility for managing the performance of suppliers against contractual obligations to deliver the specified services. They will work closely with regional operations teams to assess the actual volume of referrals against estimates and implement actions to manage volume flow accordingly.</p>
11	<p>We recommend that the Ministry of Justice publish a commitment to ensure that procurement beyond Day 1 will take place at a more local than regional level wherever appropriate and where suitable services exist, to ensure that the services procured meet specific local needs. We also recommend that the Ministry of Justice also keep and publish records of procurement at regional/ local levels and the volume of work awarded to smaller providers. (Paragraph 86)</p>	Agreed	<p>The Dynamic Framework is designed to allow for commissioning at local authority level where that is most appropriate. Regional Probation Directors have flexibility to develop commissioning plans that best meet their needs.</p> <p>Regionally aligned Commercial business partners will be put in place and will be responsible for helping the region define their requirements and advise on the availability of local providers; they will also be responsible for developing the market and enabling increased participation in the DF and supporting local co-commissioning where appropriate. We intend to publish records of awarded contracts, including value, location and supplier status (Voluntary, Community and Social Enterprise [VCSE]/ Small-to-Medium Enterprise [SME]). All 110 contracts for Day 1 services have been awarded and approximately two-thirds of contract value has been awarded to VCSE organisations.</p>

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12	<p>We invite the Ministry of Justice to set out what initial provision will be offered on Day 1 to those who need financial, benefits and debt services no longer available, a need that may be exacerbated by the conditions created by the covid pandemic. We recognise that suitable services will be made available at a later date, but we seek clear information on when that will be. We recommend that the Ministry set out a post-Day 1 procurement timeline for services not in scope for Day 1. (Paragraph 87)</p>	Agreed	<p>In the absence of a commissioned service at Day 1, Probation Practitioners will support offenders to access available statutory and other provision. Also, suppliers of Personal Wellbeing services will offer additional support, including the availability of mentors, to those who need help to attend appointments and sustain engagement with existing provision.</p> <p>The holistic service for Women will include tailored services for those with needs in relation to finances, benefits and debt.</p> <p>In relation to those serving custodial sentences, Through the Gates (TTG) staff moving into the Probation Service will continue to deliver Finance, Benefit and Debt services, including opening of bank accounts with associated activity to obtain ID and arranging to contact creditors at start of a sentence. Guidance is being developed to support access into other prison-based services, such as the Prisoner bank account programme and Department for Work & Pensions (DWP).</p> <p>Commissioning decisions after Day 1 will be driven by commissioning plans developed by Regional Probation Directors, recognising they are best placed to decide what they need to prioritise to meet particular local needs. Commercial Business Partners have begun engagement with Regional Probation Directors to identify local needs, including in non-day 1 categories such as Finance, Benefit and Debt; and pipelines will be shared as commissioning plans are developed.</p>

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13	<p>We recommend that the Ministry of Justice set out how they intend the new [resettlement] model to be delivered practically on a local level, and how the model will work alongside those services commissioned through the Dynamic Framework. The Ministry should detail how they will ensure the “in-reach” (pre-release contact between the probation offender manager and prisoner) aspect of the new model works in practice, considering challenges often faced in regard to security clearance, access to space and the operational capacity for prisons to deliver. (Paragraph 102)</p>	Agreed	<p>The resettlement approach in the unified model is based upon the principle of the Community probation practitioner responsible for managing people post release from prison, becoming responsible for pre-release activities. They will hold the single sentence plan including all resettlement planning, ensuring risk planning and victim issues are addressed within preparation for release. This will include the following:</p> <ul style="list-style-type: none"> • An enhanced Offender Management in Custody (OMiC) model for determinate sentence prisoners, bringing more people in scope of allocation to a Prison Offender Manager and moving the current handover to a consistent 7½ months pre-release, along with introducing 2 further pre-release meetings. • Community probation practitioners responsible for referrals to the Commissioned Rehabilitation Services (CRS) providers and maintaining contact as the service is delivered to ensure co-ordination and sequencing with sentence management activities. • CRS providers based in the communities where prisoners are released to, with the majority of services delivered post release. This supports CRS providers building relationships with local services supporting transition into the community. • Accommodation services would start pre-release to sustain existing tenancies and support obtaining accommodation for release. This includes continuing support post-release to sustain accommodation.

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13— con- tinued			<ul style="list-style-type: none"> • A mentoring service starting pre-release to support people in prison with little or no community-based support to build social networks post release. • Short Sentence function will be established in all Probation Service Regions to provide a responsive, multi-agency approach for all people in prison serving short prison sentences. These provide the opportunity to sustain existing community services and refer promptly into new services where not already in place. • A Resettlement pack with local information provided to all who leave prison, including from Court and those unconvicted. Details of local information, including out of hours contact numbers, supports people released from prison access local services to receive the support they require. <p>In order to ensure pre-release contacts with community probation practitioners are taking place, performance measures are being developed to provide assurance. Action plans can be put in place. Work is progressing to address the challenges posed by an in-reach service where people in prison are held considerable distance from home areas. This includes working with Regional Probation Directors to build on work to identify options to ensure contact takes place at a frequency conducive to building positive relationships pre-release. The increased use of virtual contact during Covid restrictions enables lessons learnt during restricted contact to be incorporated into guidance for the Probation Service.</p>

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13— con- tinued			<p>As part of the evaluation strategy, we will be evaluating resettlement interventions pre- and post- release and, in fact, an evaluation of the Enhanced Through the Gate Specification was published in October 2020, the findings from which have already helped to shape the resettlement model.</p> <p>Due to the requirement for additional probation staff to complete all pre-release activities and the levelled up OMiC model, the Resettlement approach will be implemented over a period of time. From 26 June:</p> <ul style="list-style-type: none"> • Community Rehabilitation Service (CRS) providers will start delivery including accommodation and mentoring services. • A Resettlement pack will be available for all people in prison due for release with localised information provided by Probation Service Regions. <p>The remaining elements of the Resettlement approach will be implemented after unification.</p> <ul style="list-style-type: none"> • The Short sentence Function was implemented in Wales in August 2020 as an early adopter region. The remaining Probation Regions have started the planning process to introduce within all Probation Service Regions over the course of 9 to 12 months post-unification. • When sufficient probation resources are in place, the levelled up OmiC service, including increased pre-release contacts by Community probation practitioners (COMS), will start.

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14	We recommend that the Ministry of Justice set out the status of roll-out of the OmiC model, including how many prisons are implementing the model fully, partially and not at all. Should the model not yet be fully implemented, we invite the Ministry to provide a timetable for its full roll-out. (Paragraph 103)	Agreed	<p>The roll out of OmiC began in 2018 and has been delivered across the prison estate through an incremental, implementation approach:</p> <ul style="list-style-type: none"> • Phase 1—Key Work implemented in the closed male estate at the beginning of 2018. • Phase 2—Case Management implemented in the closed male estate in October 2019. <p>Due to COVID–19 pandemic, implementation of OmiC in the women’s estate and male open prisons was paused in March 2020.</p> <ul style="list-style-type: none"> • Phase 3—Changes to Case Management introduced in all open male prisons at the end of March 2021. • Phase 4—A bespoke Offender Management model introduced in the women’s estate at the end of April 2021. It recognises the different challenges and opportunities in the women’s estate, where self-harm and the complex needs of some women are of significant concern. <p>The OmiC model has been designed with two distinct but interconnected elements: Key Work and Case Management:</p> <ul style="list-style-type: none"> • Key Work—The aim of Key Work is to develop constructive staff-prisoner relationships, foster positive behaviours, build prisoner trust and confidence, hope and commitment to change. Key Workers provide one-to-one sessions with prisoners, supporting them to make appropriate choices and giving them hope and responsibility for their own development.

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14— con- tinued			<ul style="list-style-type: none"> Case Management—Relates to offender management activities undertaken in both custody and the community for people who are serving a custodial sentence. The offender management provision an individual will receive will be dependent on a number of factors which include risk, need, time left to serve and sentence type. <p>The COVID-19 pandemic has significantly reduced Key Work and Case Management delivery within the prison estate and the disruption to normal operating caused by restricted regimes will inevitably impact upon the realisation of OmiC benefits in the short-term. However, there are recovery plans in place for OmiC delivery, with a commitment to ensure that prisons are appropriately resourced to deliver offender management tasks and that it is aligned with the changes to be introduced by the Unification of probation services in 2022.</p> <p>Assurance of OmiC delivery will continue to be provided via independent scrutiny bodies, the Operational and System Assurance Group (OSAG) in HMPPS alongside the development of performance and quality measures and operationally by regional HMPPS Senior Leadership Forums.</p>

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned
15	We recommend that the MoJ confirm whether the pledged 1,000 additional probation officers will be in addition to the 464 existing vacancies. (Paragraph 126)	Agreed	<p>We have met our target to recruit 1,000 additional trainee probation officer starters in 2020/2021. This is a significant uplift on our recruitment of around 600 trainees in previous years. Trainee Probation Officers take between 15 and 21 months to become fully qualified and be able to fill Probation Officer vacancies. At 31 March 2021 there was a shortfall of 518 FTE Probation Officers, but there were 1,186 FTE staff undertaking PQiP training.</p> <p>We are increasing our recruitment of trainee probation officers even further to 1,500, the maximum we believe the business can manage, in 2021/2022 to meet increased demand as a result of the recruitment of 20,000 police officers and backlogs in courts as a result of COVID-19.</p> <p>In addition to the recruitment of new trainee probation officers, we are putting in place measures to increase retention of staff to manage current vacancies in probation. We are making it more straight forward and attractive for staff that leave the probation service to re-join on permanent terms, whether they have taken on temporary terms as agency workers or have had a career break. We are also developing specific plans to increase retention of experienced staff who are considering retirement.</p> <p>Agency workers in the NPS play an important role in helping to meet staffing demands, particularly in areas where there are challenges in recruiting staff on substantive NPS contracts. We are undertaking an assessment of our current use of agency workers across Probation Services Officer, Probation Officer and Senior Probation Officer grades within the NPS, to help establish patterns of agency worker deployment and inform decisions about future agency worker use.</p>

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned
16	<p>We recommend that the MoJ commit to ensuring that individual caseloads do not exceed a baseline figure of 50. We recognise caseload numbers may fluctuate below this number, but they should not exceed it. The Ministry should also set out what work is being done to reduce caseloads, beyond the recruitment of additional probation officers and what support is available to staff with high caseloads, to ensure they are able to manage risk for all offenders in their caseload adequately. (Paragraph 127)</p>	Agreed	<p>We agree that where cases require ongoing risk management work as part of the delivery of the requirements, they are subject to, a caseload of no more than 50 is reasonable. For Probation Officers, the national average number of cases per full time equivalent stood at 32.5 on 21 April 2021, with 2 per cent of Probation Officers with caseloads in excess of 50.</p> <p>There are cases, such as those where the only element is Unpaid Work, where the requirements of case management are limited, and the activity is more focussed on engagement and enforcement to ensure attendance and completion. For these cases a specific caseload is less indicative of a volume of work. Currently some Probation Service Officers in CRCs holding low risk standalone UPW cases will have caseloads over 50. The case complexity is therefore a key focus for our organisation to understand in respect of resource with resource following risk and need.</p> <p>In May 2021, we implemented a new Unified Tiering Model (UTM) into our current Workload Management Tool (WMT). This provides management with oversight of the work involved in cases resulting from case complexity, which we suggest is more accurate than a fixed value. The UTM is more generous in its provision for timings and therefore caseloads managed at the correct level through the WMT should reduce further.</p> <p>The WMT is currently being redesigned with a new version due to be deployed in December 2021. This will have additional functionality to support the active management of work in teams and increasing the management oversight of work pressures.</p>

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned
17	We recommend that the MOJ and HMPPS set out a detailed timeline for how it will recruit and deploy these [150] ex-offenders. (Paragraph 128)	Agreed	<p>External consultation has been critical to the development of the Probation Reform Programme. This has included capturing feedback from people supervised by probation through all available sources, such as forums, national surveys, and embedding a consultant with 'lived experience' into the programme. We have also worked with Revolving Doors to run a challenge process on the Target Operating Model involving individuals from ethnic minority backgrounds. Understanding and learning from the experiences of those probation works with has been an essential component of the overall design process, and it is firmly believed that this will help to promote people engagement with the new design model and support long term desistence.</p> <p>The Probation Workforce Programme workforce strategy creates a commitment for the Probation Service to enhance our recruitment approach to attract people with lived experience of the criminal justice system.</p> <p>A significant step towards this will be taken on 26 June 2021 when the formal unification of probation service delivery is implemented and we expect to transfer in a large number towards our target of 150 through former CRC staff with lived experience transfer to permanent roles as Civil Servants in the newly created Probation Service. Extensive work has been undertaken to plan for the vetting process that all transferring staff will need to complete, to ensure that for this staff cohort any barriers to them continuing their roles can be removed.</p>

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17— con- tinued			<p>As part of a separate initiative we are introducing the Cabinet Office’s “Going Forward into Employment” (GFIE) programme in Probation. The GFIE programme is open to individuals within two years of finishing their sentence and allows applicants to access a two-year contract in a civil service role.</p> <p>The trial cohort will test the application of this scheme in the Probation Service and will aim to recruit to between 20–30 vacancies by April 2022.</p> <p>We are aware of the many benefits that those with lived experience can bring to roles within the Probation service. We also are cognisant of the unique issues that may arise for applicants with lived experience working in a Probation context. In order to ensure the best experience possible for applicants we are working with Regions to ensure candidates are supported and feedback on the programme is captured. Findings and lessons learned from this trial cohort will be used to inform future strategies to increase the recruitment of those with lived experience into the Probation Service.</p> <p>A key aim of the GFIE scheme in Probation will be to encourage the retention and progression of those with lived experience within the service. We will therefore be providing support for participants to apply for permanent positions following the scheme.</p>

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned
18	We recommend that the Ministry publish a detailed timetable setting out milestones towards transition, and we seek a monthly update on the progress made against those targets. (Paragraph 142)	Agreed	<p>We agree to sharing regular progress updates with the committee, starting with a set of Day 1 metrics which give a snapshot of what the Programme has delivered to date and what work for transition remains outstanding, against which we will update on remaining issues after transition. Once the unified model for probation service delivery has been implemented on 26 June 2021, we are committed to ensuring the committee is kept up to date on longer-term progress towards realising the end-state benefits of the planned reforms.</p> <p>Progress to date: significant progress made towards implementing the first phase of Probation Reform. We have successfully restructured into 12 probation regions across England and Wales and laid the people, estates, competition and ICT foundations for transition in June. This puts us on track to transfer staff, assets and services to either the unified Probation Service or a new provider of Commissioned Rehabilitation Services. We have published our Target Operating Model and National Standards to set the future vision and have achieved HMT sign-off on our Final Business Case (a £155m pa uplift in core funding).</p> <p>All 110 Commissioned Rehabilitative Services contracts for Day 1 services have been awarded, over 7,000 staff provided with devices and had data and email migrated and transferred the legal title to 97 properties.</p>

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18— con- tinued			<p>In April the Programme underwent an IPA Gateway 4 Review, the review team scored the Programme at Amber whilst noting that ‘exceptional’ progress has been made since the previous review in October last year. Our recent Three-Month and One-Month Readiness Testing found no major blockers to Day 1 readiness.</p> <p>The Programme continues to make strong progress towards Day 1 readiness on 26 June. Data migration and onboarding to MoJ technology and systems remains on track, we have now provided devices and migrated over 7,000 users’ emails and their data. All 110 Commissioned Rehabilitative Services contracts have been awarded and signed across all competitions (ETE, Accommodation, Personal Wellbeing and Women’s Services) and mobilisation remains the key focus; approximately two-thirds of contract value has been awarded to VCSE organisations. The list of individual staff who will transfer has been finalised. The People team are continuing to answer queries and review appeals.</p>

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned
19	We recommend that the MOJ clarify to relevant voluntary sector supply chain partners their position in relation to TUPE, including what staff members are eligible and what contract they fall into. (Paragraph 144)	Agreed	<p>MOJ has used data provided by the incumbent CRC and supply chain partners to clarify who is in-scope to transfer under each competition area (Region or PCC) under each service category of the Commissioned Rehabilitation Services (CRS), as part of the bidding process.</p> <p>As part of our support to mobilising the Dynamic Framework (DF) contracts and in line with TUPE regulations, we continue to encourage the current employer (CRC & Supply Chain), to consult and engage with the new supplier of Day 1 services (either DF or co-commissioned) as soon as possible, in order to provide them with key people data and staffing numbers as part of their due diligence process to identify those in scope to transfer to the future employer.</p> <p>We remain committed to providing assurance that the required staff transfer activity between the incumbent CRC and supply chain partners is completed in timely manner in order to ensure the provision of Day 1 services.</p>