

## Written evidence from Seetec

### Overview

- Seetec is an employee-owned company which supervises and supports around 19,100 offenders categorised as low- and medium-risk in the south of England. In Wales, we deliver programmes that help people to turn away from crime, including community payback.
- Seetec started managing services for low- and medium-risk offenders as parent company of Kent, Surrey and Sussex Community Rehabilitation Company (KSS CRC) from February 2015. When the provider of services in Devon, Dorset and Cornwall; Bristol, Gloucestershire, Somerset and Wiltshire; and Wales went into administration in February 2019, the Ministry of Justice expanded KSS CRC's contract to cover these areas.
- In May 2019, the Ministry of Justice announced a new model for probation with responsibility for supervising offenders to move to the National Probation Service and programmes delivered by a Probation Delivery Partner, with Wales the first region where this model would take effect. Therefore, in December 2019, we transferred offender supervision in Wales to the NPS, retaining responsibility for providing interventions, programmes and unpaid work placements. Seetec managed KSS CRC is the only provider other than the state to operate probation services under the Community Rehabilitation Company model and the PDP model announced in May 2019.

### **Q1: What are your views on the decision to end the competition for Probation Delivery Partners, and bring those service back into NPS delivery?**

- 1.1 The announcement to end the competition was devastating for our employee owners. We are of the view that the decision to substantially reduce the mixed market in probation removes the main driver for innovation and reform. This was recognised by the Ministry of Justice in February 2019 when we were appointed – ahead of the alternative state-managed solution - to transform three failing probation areas. In May 2019, the Secretary of State for Justice described our employee-owned service as an example of where “best practice” has been achieved including “excellent delivery” of unpaid work and a “comprehensive range” of programmes<sup>1</sup>.
- 1.2 Despite the challenges the service faced because of structural under-funding, our team developed a strong record delivering for taxpayers and creating innovative services. We invested significantly in research, creating the UK's first intervention to tackle stalking and harassment behaviour and a programme providing wraparound support for military veterans under supervision.

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<sup>1</sup> Hansard HC Deb. vol. 660. col.142, 14 May 2019 [Online]. [Accessed 4 September 2020] Available from: <https://bit.ly/2BOsCZA>

- 1.3 We are therefore bewildered by the decision to lose our involvement and unique employee-owned model from large parts of the probation system. The new model in Wales is resilient, including through the coronavirus pandemic, and our team was looking forward to playing a role in the future model of probation.

**Q2: How were private sector providers involved in the decision to end competition?**

- 2.1 We were not involved in any discussion with the Ministry of Justice, simply notified about the decision. Our view as a parent company or the voice of CRC chief executives, who have substantial professional experience in the sector, was not sought.

**Q2 b. What opportunity were providers given to make alternative proposals?**

- 2.2 We were not consulted or provided with the opportunity to propose alternative models. However, we recognise our responsibility to engage with the Ministry of Justice to share with officials the experience of our frontline colleagues and leadership team. In April 2019, we sought to engage on alternative proposals, which we believed provided simplicity and eliminated transition risks.
- 2.3 Our solution proposed:
- o A single, national Custody Provider delivering probation services for offenders who receive a custodial sentence, including resettlement and rehabilitation pre- and post-release.
  - o Regional Community Providers managing probation services for offenders who receive a community or suspended sentence, including case management, Unpaid Work, Accredited Programmes and rehabilitation.
- 2.4 In our professional view, this model enhances accountability and provides simplicity for sentencers, offenders and practitioners. For the first time, evidenced comparisons could be made between community and custodial sentences. It would pave the way for greater, more formalised involvement of regional leaders such as police and crime commissioners in the governance of community sentences.
- 2.5 The benefits of this alternative model include clear responsibilities for the two elements of the system and minimal disruption and transition costs. The NPS would continue to supervise over 80% of high-risk offenders while regional community providers would manage the low-to-medium risk offenders.
- 2.6 Our proposals enjoyed significant support from local authority partners, police and crime commissioners and members of Parliament in south east England. We wrote to the

Secretary of State for Justice, David Gauke in April 2019 to engage on these proposals and followed up with his successor Robert Buckland.

**Q2c. What effect will this decision have on the future of private sector involvement in the criminal justice system?**

- 2.7 As an employee-owned provider of public services that prevent harm in our communities, we are committed to delivering high-quality public services. We aim to continue to provide these services wherever commissioners see value in our expertise. Across the criminal justice system we have seen how a mixed economy of state, private, voluntary and employee-owned providers strengthens the system by prompting innovation and reform.
- 2.8 In announcing the decision that Seetec would take over services delivered by Working Links, the Secretary of State said that our track record meant we were “well-equipped to take over these services and run them effectively”<sup>2</sup>. A mixed model is an accepted principle in the management of prisons and we were surprised the same approach will not extend to the probation service.
- 2.9 We would welcome the opportunity to suggest alternative proposals for a public-employee owned partnership model for probation services, particularly where that would allow probation to retain access to the expertise that we have developed.

**Q3: What are your views on the new model of probation?**

- 3.1 The most significant features of the new model appear to be greater centralised control and prioritisation of monitoring offenders over interventions. In future there will be 11 regions in England compare with 21 Community Rehabilitation Companies (CRCs) focused on low- and medium- risk offenders and facilitating the development of local solutions to specific needs. We have reset many of the relationships with local stakeholders. For example, in Kent, Surrey and Sussex employees from the CRC now chair multi-agency reducing reoffending boards and our work with Surrey Police and Crime Commissioner has enhanced housing provision for offenders. The new Regional Probation Directors will be critical to cultivating the freedom and culture of empowerment local staff need to champion and develop solutions to local problems.
- 3.2 Secondly, the Probation Directors will need to protect the insight gained in managing a more chaotic cohort of low- and medium-risk offenders, which they will inherit from CRCs. The split between low- and medium-risk offenders from those categorised as high-risk allowed for much greater focus on these offenders than hitherto possible. The new system sweeps low, medium and high-risk offenders back together again and where resource follows risk, the focus will return to high-risk - usually more compliant

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<sup>2</sup> In a written statement to the House David Gauke provided an update on probation services in the South West and Wales (HC Deb 18 February 2019 WS1338) [Online]. [Accessed 4 September 2020] Available from <https://questions-statements.parliament.uk/written-statements/detail/2019-02-18/HCWS1338>

offenders - rather than lower risk people who often cause prolific harm across local communities. Probation officers in CRCs have developed more understanding of the low- and medium-risk cohort and this knowledge should not be allowed to wither.

### **3 b. What do you like about the new model?**

- 3.3 The new model recognises that the private sector part of the system dealing with low- to medium-risk offenders, was structurally underfunded. This challenge was resolved last year when new financing arrangements were put in place, which offered taxpayers value for money and ensured financial sustainability. In a mixed market of providers, this increase in funding could have generated significant value for the public over the long term.
- 3.4 Putting interventions and case management on an equal footing is a sound choice, one that replicates the same system we have developed in our regions. Compliance with programmes that reduce the likelihood of reoffending has increased in Kent, Surrey and Sussex to 90 per cent from 51 per cent under the Probation Trust era<sup>3</sup>. This success will only continue if probation officers monitoring offenders are encouraged to refer cases to their colleagues delivering specialist interventions, and interventions are sufficiently well resourced.

### **3 c. What do you dislike?**

- 3.5 The current model was successful in encouraging innovation, which has been acknowledged by the Secretary of State and Her Majesty's Chief Inspector who reported that KSS CRC "is committed to using innovation and creativity to support rehabilitation"<sup>4</sup>. It is unclear what the future drivers of innovation will be.
- 3.6 Based on what we are seeing to date, the NPS is prioritising supervision and down-weighting the focus on interventions that change behaviour. For example, interventions we proposed to roll out in south west England since taking over responsibility for these areas, such as programmes to tackle drink impaired drivers, are set to be shelved because the service is focusing on transition.

### **Q4: Does the new model address the issue of confidence in community sentence options? If yes, how? If no, why not?**

- 4.1 The new model increases centralised control and funding, which will not necessarily result in increased sentencer confidence on its own and could in fact hinder local responsiveness. The new Regional Probation Directors will play a pivotal role in making

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<sup>3</sup> Ministry of Justice. (2015). *Community Performance Quarterly Management Information release February to June 2015*. [Online]. [Accessed 4 September 2020] Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/472076/community-performance-quarterly-mi-oct15.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/472076/community-performance-quarterly-mi-oct15.pdf)

<sup>4</sup> HM Inspectorate of Probation (2019). *An inspection of Kent, Surrey and Sussex Community Rehabilitation Company*. [Online]. [Accessed 4 September 2020] Available from: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/06/Kent-Surrey-and-Sussex-CRC-Designed-Final.pdf>

data transparently available to community stakeholders, including sentencers, to further strengthen confidence.

**Q5: The new model aims to strengthen integration between prisons and probation by integrating through-the-gate roles, processes and products with sentence management. What is your view on this? Do you anticipate any gaps/challenges?**

5.1 Our view is that the model we put forward last year (see Q2b) would be the most effective way to join up processes from custody to the community.

**Q6: What progress has been made in implementing the probation reforms in Wales? What lessons have been learnt so far and how are these being shared?**

6.1 In Wales we have shown that the Probation Delivery Partner model works. Our initial concern was that there would be a reduction in referrals to interventions programmes. That has not come to pass with the number of referrals between December 2019 and February 2020 in line with levels prior to the transfer of case management to the NPS in Wales. The system was resilient and worked well during the pandemic.

**Q7: How will the National Probation Service ensure that it maintains the innovation and best practice achieved during the Transforming Rehabilitation Reforms?**

7.1 The innovations we developed relied on creating a culture of curiosity backed up by investment in areas we believed would have the greatest impact, such as our research unit. This enabled us to develop a new programme for perpetrators of stalking and harassment – the first of its kind - where we work with individuals on a one-to-one basis to understand the root causes of their offending. We achieved this despite the funding challenges, and it should not be assumed that more funding for the probation service will necessarily result in more innovation. We were able to do this because of the freedom we had to respond to local needs rather than operating under centralised control. The role of the new Regional Directors will be crucial in developing and protecting a culture of innovation.

**Commissioning: Dynamic Framework**

**Q8: Does the new model offer a level playing field for small and specialist voluntary and third sector organisations in regard to the commissioning? Given the challenges in the previous model, how will a new national service secure input from smaller providers? What impact has Covid-19 had on this, if any?**

8.1 The NPS and voluntary sector organisations are best placed to answer this question.

**Q9: What is the anticipated effect of procuring resettlement and rehabilitative services using a dynamic framework? Do you foresee any problems with this model?**

- 9.1 These services are vital because they prevent the escalation of offending and prevent future harm. However, we're seeing that where particular services aren't currently being delivered there is no expectation that an area will do so in the future. This risks entrenching the current pattern of interventions and service delivery leaving some sentencers without options that their counterparts may have in other areas of the country.

**Q10: What progress has been made so far in the commissioning of services through the dynamic framework?**

- 10.1 We believe our interventions and services remain valuable to the public and we remain keen to contribute to the sector. Due to the change to the model this year, the impact of the pandemic and the desire to transition services to the NPS by June next year, the commissioning of dynamic framework services is now set to take place over three months at the end of this year. There are seven areas of the competition framework across varying geographies, requiring around 250 mini competitions to make ready day one services in June. These are yet to take place.

**Transition**

**Q11: CRCs and NPS staff are being brought back together under the new model. How is this transition being managed? What support is available to staff during this time? How are service users being supported through this transition?**

- 11.1 Renationalisation will be complex and involves the integration of many operating models by June 2021. The extent of this challenge should not be underestimated. For example, in the regions we manage there are four different sets of staff terms and conditions, a legacy of the Working Links model. We want to ensure that colleagues transferring to the NPS are not disadvantaged or see their opportunity to progress hindered, particularly those who might be part way through securing a training qualification. There is also some anxiety that those who never needed a probation qualification in the past, for example people running community payback programmes, will suddenly be required to do so. This is the NPS's current intention and would result in significant loss of experience to probation, including many community payback supervisors who are former offenders.
- 11.2 We are concerned that there is overreach around the transfer of colleagues into the NPS. Colleagues who created interventions outside of the scope of our contracts are not eligible for transfer. Similarly, we are concerned about our case engagement officers who are former offenders delivering specialist interventions with offenders at highest risk of reoffending. It was indicated to us that because this team is award-winning, they would be transferred into the NPS. Transition of employees needs to be based on legal criteria, rather than a shopping list for the NPS.

**Q12: CRCs currently use several different operating systems – how easy will it be to merge these into one model? Do you foresee any challenges?**

- 12.1 Across the 21 CRCs there are multiple different operating models to deliver case management, interventions, programmes and other services, and the current proposal is to bring all models and systems together on a single day in June 2021.
- 12.2 There are at least 8 different operating models to insource (8 parent companies and the NPS). However, there are more than 8 because different CRCs owned by the same parent, do not always follow the same model, and variations in approach exist between the different NPS regions. To ensure the system transfers successfully, our teams need training in NPS systems ahead of time. While the case management system the NPS has not changed since the division of CRCs and the NPS, it is worth remembering that many of our colleagues have never worked in the NPS and are unfamiliar with the systems used.
- 12.3 It is possible in theory and on paper to design a programme which delivers to a 12-month timeline, but in practice this cannot be assured without more detailed due diligence and analysis of the current diverse operational landscape. It is vital that a thorough assessment of the differences between our ways of working and the NPS is conducted with some urgency so these gaps can be closed ahead of the transfer next year.

**Q13: What impact is the transition having on the voluntary/third sector organisations already providing probation services?**

- 13.1 Voluntary and third sector organisations are best placed to respond to this question.

**Q14: The Ministry of Justice made the decision to end the competition for Probation Delivery Partners and bring these services into the NPS. These services are to go live in June 2021; is there sufficient time to transition probation over to the new model? If anything, what needs to be taken into consideration during this time?**

- 14.1 We should not underestimate the challenge of moving to a centralised model from a localised system of delivery. The transition of services is complex, high-risk and the timetable is shorter than the move to the private sector in 2015. It also takes place against the backdrop of Covid-19 and a significant backlog of cases coming through the courts.
- 14.2 We are committed to offering our interventions for the long-term and want to see a successful system. That means we will deliver high-quality services until the last day of our tenure and we will support the transition. However, it is worth noting that given the choices the Department has made and the way it has engaged with the market, there is

a risk that the Department does not enjoy broad-based market support for this transition, thereby increasing transition risks.

- 14.3 To support the transition, we need to understand the assumptions the NPS is making about our model of service delivery. At this stage we are unclear as to whether the NPS anticipates lifting and shifting all 21 CRCs into the NPS – and their people, caseloads and systems – on a single day or whether a phased approach over some months is envisaged. We would also like to work with the NPS to ensure that as many services as possible that we currently deliver – and are set to be delivered under the dynamic framework – are ready to go on the first day after the transfer. This will give certainty to our colleagues, sentencers, the people we support and the communities we serve.
- 14.4 We are not simply exiting these contracts; we are supporting the NPS shift to a new model of service delivery. Simultaneously there is a backlog of cases in the courts. We must do everything we can to restore community payback services, to maintain public and judicial confidence in the system, and restart the programmes and interventions that are proven to reduce the likelihood of an offender returning to crime.
- 14.5 The Ministry of Justice has made clear that it does not want to extend the current contracts. However, we believe it would be prudent to keep this option on the table, particularly if we see a renewed spike of coronavirus (Covid-19) cases in winter or the imposition of local lockdowns in the areas we operate.

## **Workforce**

### **Q15: Does the new model address workload issues, e.g. high caseloads, recruitment/retention?**

- 15.1 No. The ongoing challenge in the sector has been the widespread shortage of qualified probation officers.

### **Q16: What progress has been made towards probation being recognised as a “skilled profession”?**

- 16.1 Our view is that probation is a profession. We believe the Department’s focus is greater regulation rather than professionalisation. Longer term, we argue for a 5-10 year strategy that builds a strong pipeline of people coming into the probation profession, supported by the right training and support to help them to innovate, improve outcomes for communities and value for money for taxpayers.

## **Covid-19**

### **Q17: What impact has Covid-19 had on the probation service?**



- 17.1 In our view, Covid-19 showed the capacity of CRCs to work constructively and collaboratively with colleagues from the NPS. Media reports<sup>5</sup> suggested that CRCs outperformed the NPS during the lockdown, underscoring the benefits of a mixed economy of well-resourced, and resilient providers from the public, private and voluntary, community and social enterprise (VCSE) sectors. For that reason, we were surprised that the Ministry of Justice believed the pandemic should prompt a review of the model announced in May 2019, particularly as it has worked well in Wales during the pandemic.
- 17.2 In the areas we manage, we made immediate changes to how we operate to tackle the impact of Covid-19. We were determined to intervene early so that offenders could access help quickly as their circumstances changed due to the pandemic. Many of the root causes of offending behaviour were exacerbated. In April we launched a telephone advice line for people on probation to signpost them to help available, so they find help before their offending behaviour escalates. We will continue to operate this service, which is in addition to the routine and regular appointments people on probation maintain with their supervising officer.
- 17.3 We also prioritised the maintenance of face-to-face appointments with perpetrators of domestic abuse whose cases are subject to enhanced monitoring. We also widened the scope of our specially trained probation officers who work with survivors of domestic abuse. These officers are specially trained to help people to deal with trauma and have proactively contacted survivors who would not normally meet the criteria for this service. This allows us to keep a close check on the welfare of those most at risk.
- 17.4 We worked quickly to ensure that people in prison who may be released before the end of their sentence come into communities with housing in place. This is best done locally rather than via centralised structures because we have a network of regional partners, allowing us to use our scale to secure bed spaces quickly and cost effectively. We proved through our fast and flexible support that we are safe hands in the current environment and willing to adjust our practices to meet needs.

- **the anticipated long-term impact**

- 17.5 We understand that there are efforts underway to smooth out the long-term impacts of the pandemic, such as the predicted rise in cases we anticipate as the backlog going through the courts is cleared. It is vital that as part of efforts to respond to this backlog that we do not simply monitor offenders in the community but offer the services that change behaviour and reduce crime.

**Q18: What lessons have been learnt from this period of Exceptional Delivery, that should be taken forward into the new model of probation delivery? How are lessons learnt being shared with probation practitioners?**

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<sup>5</sup> Shaw, D. (2020) 'Coronavirus: Many probation checks not carried out in lockdown – report', BBC, 11 June, [Online]. [Accessed on 4 September 2020]. Available from: <https://www.bbc.co.uk/news/uk-53003038>

18.1 We have submitted information to the Chief Inspector's review of exceptional delivery models and look forward to the publication of his report in the autumn.

**Other**

**Q19: Are there any other areas relating to the Probation Reform Programme that you would like to brief the Committee on, that are not already covered by the Terms of Reference above? (If yes, please provide information)**

ENDS

*September 2020*