

23 July 2013

Agenda Item: 5

REPORT OF SERVICE DIRECTOR, POLICY, PLANNING AND CORPORATE SERVICES

TRANSFORMING REHABILITATION: POTENTIAL IMPACT

Purpose of the Report

1. To update Members on the potential impact of the changes to services for offenders under the Government's "Transforming Rehabilitation" policy.

Information and Advice

2. Outline of Main Changes

- 2.1 The main changes that are at the heart of the Transforming Rehabilitation policy are as follows:
 - resettlement prisons and through-the-gate focus
 - 21 contract package areas
 - emphasis on flexibility for re-offending providers
 - National Probation Service with local delivery units
 - No details on proportion of Payment by Results (PBR) or length of contracts
 - Procurement process to start Aug 2013.

3. Offender Management

- 3.1 The split between a national probation service with responsibility for the low/medium risk offenders and the locally (regional) providers will mean that 80% of current Probation Service cases would be placed with Payment by Results contract providers.
- 3.2 The effect of splitting Offender Management in this way could lead to:
 - fragmentation of supervision of offenders
 - increase in complexity of information exchange and
 - fracture in continuity of offender supervision, adding to risk of public protection failures
- 3.3 The split does not recognise that offenders do not remain rigidly in "high risk" or "low/medium risk" brackets, they can move between these two groups, so it is artificial to

maintain such a rigid separation. Risk of harm is dynamic in character and can change over time.

- 3.4 Some commentators have noted that such a national commissioning approach runs counter to thrust of devolution in other parts of government and could dislocate probation from local partnerships (Community Safety Partnerships, Local Criminal Justice Board, Health and Wellbeing Board and Integrated Offender Management). This could risk undermining essential partnerships, with the police, local authorities, health arrangements and drug and alcohol interventions to offenders
- 3.5 Probation trusts have strong local partnership arrangements and can co-commission locally. This approach could be lost when offender management is split and services commissioned centrally – past experience suggests that central commissioning is too remote, inflexible and incompatible with local co-commissioning arrangements and networks. It will be hard to align nationally commissioned services with the priorities of key local providers such as Police and Crime Commissioners and local government.
- 3.6 It is also felt that large regional contracts may also mean that sentencers are further removed from the communities they serve, with less knowledge of, and confidence in, the community orders they are handing down.

4. Drug and Alcohol Services

- 4.1 Drug and alcohol services have a critical role to play in reducing crime, rehabilitating offenders and making our communities safer.
- 4.2 There is a high prevalence of drug and alcohol treatment need among short term prisoners and offenders on community sentences.
- 4.3 If drug and alcohol services are commissioned through the 21 contract package areas, this will be one piece in a complex planning and commissioning jigsaw that includes:
 - Directors of Public Health and Health and Wellbeing Boards
 - Police and Crime Commissioners
 - 27 offender health teams with responsibility for drug and alcohol treatment in prisons
 - 15 regional Public Health England centres
- 4.4 The Drug Intervention Programme (DIP) funding constitutes more than half of the total community safety funding pot for PCCs. DIP has now been discontinued as a national mandated or managed programme, and no ring-fencing or any other protection is provided for former DIP allocations in either PCC or public health budgets, so there is a risk of disinvestment in this area.

5. Impact on Youth Justice Services

- 5.1 The key issue of 'transitioning' of young people who turn 18 may be problematic - although recently the Youth Justice Board have said that they are petitioning to say that all young people are high risk and therefore should transfer to the public domain, If not transferring to public probation it is unclear where they will transition to.

- 5.2 It is not clear whether 18 year olds on Drug Testing Orders will also have the extended licence period and whether Youth Justice will keep these or these will also be transitioned to probation. The local need of our 18-21 year olds may not be met if large national 'players' obtain the contract
- 5.3 Agreeing local solutions to problems in a multi agency forum - such as crime, anti social behaviour - may be more challenging as all private 'probation' agencies would need to be around the table. If the process does not fit their payments by results expectations they may be unwilling to take part or may not do so due to 'commercial sensitivity'.
- 5.4 Sharing of risk and safeguarding information may be severely hindered if the family members are managed by the local 'probation' agencies
- 5.5 It is not clear what will happen to the seconded probation officers currently attached to Youth Offending Teams - there are indications they will be given the option to transfer to Youth Justice Services and funding will transfer but it is not clear how long for. It will also mean that there will be no link to the public probation service and we will not have a link to the private ones, so there is a risk of losing this area of expertise.
- 5.6 It should also be noted that "private probation" for the "medium/low risk offenders" will not necessarily have free access to some of the county council's services (for example supported accommodation for 18-21 year olds) as public probation does. It is likely that the proposal would be that that if they are profit making, they will need to pay for it.

6. Impact on Local Expertise and Arrangements

- 6.1 To be effective engagement needs to take place at a number of local levels – political, policy and operational.
- 6.2 Locally, partnerships have identified issues around:
- maintaining probation links with the police and court systems
 - facilitating the development of intervention services with Health and Wellbeing Board and local NHS primary care and specialist services (especially mental health, drugs and alcohol), local authority housing/social landlords etc
 - supporting the development of local ownership of the problem of rehabilitation and the community support that this would require.
- 6.3 One area of major concern is around the implications for information sharing within partnerships. It is unclear whether new providers will be willing or able to share the information that partnerships currently receive.
- 6.4 There are risks that in larger Trust areas the communication that currently exists in information sharing meetings such as Multi Agency Public Protection Arrangements, Multi Agency Risk Assessment Conferences and Safeguarding Boards will be lost. Serious Case Reviews and Domestic Homicide Reviews have highlighted the central role that close communication and information sharing plays in protecting the public, and loss of those links could affect delivery of the service.

- 6.5 Prime providers will be “incentivised” to form local partnerships through contract specifications but without clear and transparent arrangements for joint budgeting at local level, it is unclear what the incentive will be for local partners to cooperate.

7. Impact on Police and Crime Commissioners (PCCs)

- 7.1 The proposals seem to make a number of implicit assumptions about the ability and willingness of PCCs to allocate resources to offender management at a time of shrinking budgets. There is a clear risk of disinvestment and particularly that community safety budgets could be used to fund policing at a time when force budgets are under considerable pressure. These pressures could be even greater from April 2014, when the Community Safety Fund is absorbed into a single PCC funding pot.
- 7.2 There is potential in new providers to work closely with PCCs but there is currently a lack of detail in about how this may work in practice.
- 7.3 PCCs are at the centre of the debate and decisions about how the changes work out in practice. The Nottinghamshire PCC is keen that a regional tender (working with Derbyshire and Leicestershire) is put together from partners for the £32M worth of service provision, either as a co-operative or a social enterprise. This will mean a huge amount of work in a short space of time as tenders have to be in by the autumn. Even if this approach is not successful it is hoped that it will force the large national providers to take note and talk pro-actively with the local providers, perhaps as secondary providers.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

Crime and disorder implications are outlined in the report.

RECOMMENDATION/S

- 1) That Members note the report.

Martin Done, Service Director Communications and Marketing

For any enquiries about this report please contact: Chris Walker, Temporary Group Manager, Safer and Engaged Communities, x 72460

Constitutional Comments

As this report is for noting only no constitutional comments are required.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All.