



Ministry
of Justice

Transforming Rehabilitation

A Strategy for Reform

Response to Consultation CP(R)16/2013

May 2013



Transforming Rehabilitation: A Strategy for Reform

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

May 2013

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Ministerial Foreword

Last year, around 600,000 crimes were committed by those who had broken the law before. Nearly half of those released from prison went onto reoffend, in many cases not just once but time and again. Despite increases in spending under the previous Government, reoffending rates have barely changed. This can't go on. I want to ensure that all those who break the law are not only punished, but also receive mentoring and rehabilitation support to get their lives back on track so they do not commit crime again.

It is not a surprise, faced with stubbornly high reoffending rates, that there were important areas of consensus in the response to our recent consultation on '*Transforming Rehabilitation*':

- offenders need to be supported 'through the prison gate', providing consistency between custody and community;
- those released from short-sentences, who currently do not get support, need rehabilitation if we are to bring their prolific reoffending under control;
- public protection is paramount, and the public sector must take the key role in keeping people safe;
- the voluntary sector has an important contribution to make in mentoring and turning offenders' lives around;
- nothing we do will work unless it is rooted in local partnerships and brings together the full range of support, be it in housing, employment advice, drug treatment or mental health services.

It is these principles that will act as the foundations of our reform. In order to deliver our shared objectives, we have taken a detailed look at both what the probation service does now, and what needs to change. It is clear that in order to invest in extending and enhancing rehabilitation, we need to free up funding through increased efficiency and new ways of working. I want to bring in the best of the public, private and voluntary sectors to help us achieve this and we will design a competition process which allows a range of organisations, including mutuals, to bid to deliver services; I want to give the front-line professionals the flexibility and resources to innovate and do what works. It is also clear to me that if we are to keep a relentless focus on rehabilitation, providers must have a clear incentive to do so – that is why I am determined the taxpayer will only pay providers in full for those services that actually deliver real reductions in reoffending. When it comes to awarding probation contracts, driving efficiencies will be one factor, but quality of service and the ability to stop the cycle of crime are the central tests. Only by doing this will we bear down on the long-term costs of the criminal justice system.

A new mix of providers with a new set of incentives is essential, but so too are key new services. Through the savings we make, we will extend rehabilitation support to those on short-term sentences, who currently have the highest reoffending rates but who are typically left to their own devices on release. This support will be guaranteed through legislation, which is the only way to ensure we target the hardest to reach and most prolific offenders. In addition to extending rehabilitation to more offenders, we will for the first time create a genuine 'through the gate' service. This has been paid lip-service in the past, so I have ordered the wholesale realignment of our prison service to designate new local resettlement prisons, where the same providers who will be working with offenders in the community will work with them for three months before release too. Combined with the reforms to prison regime we announced last month to incentivise engagement in rehabilitation, this is a significant change. We are, for the first time, creating real continuity between custody and community, easing the transition which at present frequently just leads an offender back to a life of crime.

But again, it is not enough to connect custody and community. We have also got to work with local authorities, Police and Crime Commissioners, and other government departments, joining up our efforts to ensure that offenders can access the broad package of support they need to get their lives back on track. I am keen that the priorities of Police and Crime Commissioners and local agencies are taken into account to inform our commissioning decisions. I am also clear that providers should demonstrate how they will work in and strengthen local partnerships to deliver the results they are incentivised to achieve. There is a role for government leadership here too, so the Ministry of Justice and the Department for Health are coming together to test a 'through the gate' drug treatment programme for offenders, which we intend to roll out alongside the rehabilitation reforms. By fostering this type of partnership, we can bring the full weight of resources to bear as we tackle reoffending.

Breaking the cycle of crime will mean fewer victims in the long term, but we will not forget our primary responsibility for public safety now. This is a key role that is rightly fulfilled by the public sector. We will forge a new National Probation Service, drawing on the expertise and experience of its staff, focused on assessing risk, and managing those who pose the greatest risk of serious harm to the public. We will also recognise the dynamic nature of risk, by ensuring that the public sector has the right to review cases where risk is more volatile or circumstances have changed. At root, I know that protecting the public relies on the judgements of those working with offenders. I understand that it is imperative to sustain and develop the skills of probation professionals whether they are working in the public, private or voluntary sectors. So, as part of our reforms, we will be working with the probation profession to take forward the idea of an Institute of Probation, to recognise and spread best practice.

To conclude, our strategy for reform includes a strong National Probation Service tasked with protecting the public from the most dangerous offenders; a new mix of providers equipped with the flexibility and the right incentives to reduce reoffending; and some important systemic changes to provide effective rehabilitation to those who need it most, and when they need it most, during that crucial transition from custody to community.

I believe we have put together a programme of reform that offers a step change in the way we rehabilitate offenders, and will lead to year-on-year reductions in reoffending. Some of these changes are complex and challenging, but they are necessary nonetheless. Transforming rehabilitation will help to ensure that all of those sentenced to prison or community sentences are properly punished while being supported to turn their backs on crime for good. This will mean lower crime, fewer victims and safer communities. We are determined to deliver, and we are developing detailed plans to do so. I look forward to working with you in the coming months as we make these proposals real.

A handwritten signature in black ink, appearing to read 'Chris Grayling', with a long horizontal flourish extending to the right.

Chris Grayling
Lord Chancellor and Secretary of State for Justice

Executive Summary

This paper sets out how we will transform the way we rehabilitate offenders, to make progress in driving down reoffending rates. We are clear that the level of reoffending by offenders who have already passed through the justice system has remained unacceptably high for too long.

The case for a new approach is clear. We spend more than £3bn a year on prisons, and almost £1bn annually on delivering sentences in the community. Despite this, overall reoffending rates have barely changed over the last decade and we see the same faces coming back through the system – almost half of all offenders released from custody in 2010 reoffended within a year. Over 6000 offenders sentenced to short custodial sentences of less than 12 months in the year to June 2012 had previously received more than 10 community sentences, yet gaps in the sentencing framework mean little can be done to prevent them from returning to crime once they are released back into the community.

The reasons why offenders turn to crime vary widely. Our reforms are designed to enable flexibility to tailor rehabilitative work, with an emphasis on responding to the broader life management issues that often lead offenders back to crime. We know, for example, that 15% of prisoners report that they were homeless before entering prison, and around a quarter are thought to suffer from anxiety and depression.¹ Unemployment and substance misuse rates are also high amongst offenders. We also know that we can drive efficiencies in the system to invest in better rehabilitation. We have seen this potential in other parts of the system. The first round of prison competition achieved savings of £216m when compared to current costs and the London Community Payback scheme achieved a 37% reduction in pre competition costs.

By fundamentally reforming the system, and finding efficiencies to extend rehabilitation to more offenders, we can start to make a difference. The reforms we will implement include:

- **for the first time in recent history, new statutory rehabilitation** extended to all 50,000 of the most prolific group – offenders sentenced to less than 12 months in custody;
- a fundamental change to the way we organise the prison estate, in order to put in place an **unprecedented nationwide ‘through the prison gate’ resettlement service**, meaning most offenders are given continuous support by one provider from custody into the community;
- opening up the market to a diverse range of **new rehabilitation providers**, so that we get the best out of the public, voluntary and private sectors, at the local as well as national level;
- **new payment incentives** for market providers to focus relentlessly on reforming offenders, giving providers flexibility to do what works and freedom from bureaucracy, but only paying them in full for real reductions in reoffending;

¹ Results from the Surveying Prisoner Crime Reduction (SPCR) survey, Ministry of Justice, 2012 – figures apply to adults serving between one month and four years.

- a **new national public sector probation service**, working to protect the public and building upon the expertise and professionalism which are already in place.

Our design of this strategy has been guided both by consultation responses, and our commitment to maintain fair and appropriate provision for all groups, including minority offender groups. We have paid early consideration to the likely impacts of our plans on those with protected characteristics and will continue to meet our responsibilities under the Equality Act 2010 as our plans develop further.

We need to stop offenders passing through the system again and again, creating more victims and damaging communities. At a time of financial constraints, it becomes even more important that the money we spend on rehabilitating offenders has the greatest possible impact.

The *Transforming Rehabilitation* Consultation

We consulted on the principles behind the proposals for reform set out in this document from 9 January to 22 February 2013 in the paper *Transforming Rehabilitation: a revolution in the way we manage offenders*.

We received almost 600 formal responses to the consultation and held 14 consultation events which were attended by over 800 stakeholders. We had responses from Probation Trusts and individual officers, Police and Crime Commissioners, private and voluntary and community sector organisations, sentencers through collective and individual responses, Local Authorities and partnerships, other justice system stakeholders, Parliamentarians, members of the public, many of whom worked with offenders, and including some individual offenders.

There was strong support in consultation responses for a drive to reduce reoffending. In particular, respondents agreed that extending rehabilitation to prolific short sentenced offenders and reorganising the prison estate to support continuous rehabilitation from custody into the community were much needed reforms. Other views received have been invaluable in informing the system design and we have made changes to the design proposed in response. For example:

- Many mentioned that by better aligning the prison system with rehabilitative services delivered in the community this could support better outcomes. We will make changes to the way the prison estate is organised and how services delivered there link with those in the community (see Part 1).
- We heard comments that the ‘payment by results’ payment mechanism must ensure that providers were incentivised to work with all offenders, including the most difficult. We developed our payment mechanism in a way which will ensure this is the case (see Part 1).
- Many respondents were concerned that by retaining responsibility for managing offenders who pose a high risk of serious harm to the public sector probation service, but giving market providers responsibility for others, we might cause fragmentation in delivery. The system design for protecting the public sets out how we will address this, and in particular how we envisage changing risk levels are handled (see Part 2).
- There was also a strong view that we needed to draw on the local expertise of smaller organisations, in particular in the VCSE (Voluntary, Community and Social Enterprise) sector, by ensuring they could participate in bids to deliver services. In response to concerns that the contract package areas over which services would be competed

were too large, we have decided to increase the number of areas to maximise the range of providers which can be involved in delivery. Similarly, we have developed a locally responsive commissioning system which, while structured nationally for greatest efficiency, can reflect local and Police and Crime Commissioner priorities and needs (see Part 3).

This document represents our response to the *Transforming Rehabilitation* consultation. A summary of our response to views received on individual questions is also published separately and can be found at:

<https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation>

A Strategy for Reform

The details of the system design are set out in the following sections of this document:

Part 1: Reducing Reoffending describes how our reforms will tackle reoffending rates head on and describes the system which will underpin this. We will put in place services which work to rehabilitate offenders ‘through the prison gate’ from custody into the community; we will extend rehabilitation to the most prolific group of re-offenders – those who are released from short custodial sentences; we will open up delivery of rehabilitative services to a wider range of providers, including experts in the voluntary and community sector; we will give providers flexibility to do what works and ability to ensure offenders engage with rehabilitation requirements, introducing legislation where necessary; and we will pay providers according to the reductions in reoffending they achieve.

Part 2: Protecting the Public sets out how we will ensure public protection is at the heart of our reformed system. A new national public sector probation service will retain the management of offenders who pose a high risk of serious harm to the public and who have committed more serious offences; new providers will have contractual obligations to work in partnership with the public sector probation service in managing risk of serious harm; and vital public interest functions will continue to be exercised by the national probation service.

Part 3: Making the System Work explains how we will make sure the new system is effective and efficient in practice. We have designed commissioning arrangements which will be responsive to local and national priorities; a system which can join up funding streams from different Government departments and integrate with existing partnerships; and will put in place effective governance and assurance arrangements over delivery.

Part 4: Implementing Reform sets out a potential timetable for putting this system in place. We will implement our new system in phases, to allow time for providers to prepare bids, for the public sector to restructure while minimising any disruption to business as usual and to allow time for new services to be set up. But we need to make progress towards reducing reoffending now, and it is our aim that new services should begin to operate from the end of 2014.

Part 1: Reducing Reoffending

Reoffending rates are too high. Whilst we continue to tolerate so many offenders passing through the justice system and going on to commit more crimes, we are in fact tolerating more victims, greater cost to the taxpayer and further damage to communities. Our reforms are designed to break the cycle of crime. The following sections set out how we will put in place a system which:

- extends for the first time a minimum of 12 months statutory rehabilitation to all offenders who need it, including the most prolific group of short sentenced prisoners, most of whom currently receive no statutory support;
- puts in place an approach to rehabilitation which joins the geography of the prison estate with community provision so that offenders sentenced to custodial sentences receive a continuous 'through the gate' package of effective support delivered by the same provider;
- gives providers sufficient grip to make sure offenders engage with the rehabilitative services they need and to tackle the hardest to help;
- allows providers enough flexibility and freedom to innovate so that they can do what they judge will have the greatest impact in reforming offenders;
- links a proportion of providers' payment to their success in reducing reoffending, so that they are driven to focus relentlessly on rehabilitation, and cannot 'play the system';
- opens up service delivery to a wide market so that the best of private and not for profit, larger and smaller, local and national organisations can work with offenders to improve reoffending rates;
- opens up and disseminates the data which providers need to ensure their approaches have the greatest impact.

We received a wide range of consultation responses discussing our proposals aimed at reducing reoffending, which have helped us to focus and refine our approach. Our response to various issues raised during the consultation is set out in the following sections.

As we heard in consultation responses, we also need a system which will integrate effectively with other national services and local partnership arrangements like Integrated Offender Management. A number of organisations working to deliver a joined-up approach will be required to achieve success in reducing reoffending as part of a partnership approach to reducing crime. We set out how our proposals will integrate with partners at the national and local level in Section 3 of this paper.

Making a difference on the ground

Our reforms will make a real difference to the rehabilitation offenders receive in practice. We need to see a shift in the services which are delivered for offenders in the community as well as in custody. Under the new system, we will see more effective services delivered to a greater number of offenders, including new support from custody into the community.

In **custody**, our commissioned providers will:

- offer a resettlement service for all offenders in custody before their release. This may include support in finding accommodation, family support, mentoring and financial advice.
- be able to engage further with, and offer further services to, offenders who will be in their caseload on release in order to reduce their likelihood of reoffending once released.

These services in custody will be underpinned by changes to the way the prison estate is organised. We describe below how we will join rehabilitation in custody and the community together through a new designation of 'resettlement prisons', so that in most cases the same provider can work with offenders in custody and continue their rehabilitation work in the community.

In the **community**, for offenders within their caseload, providers will:

- deliver activities which they judge will be most effective to reform offenders. This might include signposting offenders to accommodation, education, or health services or offering a mentor. Providers will have responsibility for the day to day management of the majority of offenders.
- be responsible for delivering the requirements of a community order, suspended sentence order or licence, so that they have full responsibility for individual offenders. They will deliver these requirements under specifications which are clear about 'what' the service outcomes are, but which give providers flexibility to determine 'how' services should be delivered. This will enable providers to deliver the rehabilitative aspects of the sentence or licence requirements in the way they believe is most likely to reduce reoffending.

We noted that consultation responses stressed that taking a 'one size fits all' approach to offenders will not work, and the need for a differentiated approach to managing specific groups (and particularly women offenders). We will develop provider contracts which ensure that appropriate services are provided, and that there is increased flexibility to tailor rehabilitation to the needs and characteristics of the individual. We also heard strong support for restorative justice in consultation responses. Restorative justice can give victims a voice in the criminal justice system and encourage offenders to face up to the consequences of their actions. We are considering how to incorporate this within our reforms and will set out further details in due course.

Joining up provision from custody into the community

Our reforms will put in place rehabilitation services which work 'through the prison gates', across the country, matching up the geography of the prison estate with how services are organised in the community. In many cases, under our reforms, the same provider will support induction of an offender into custody, provide them with resettlement support before release, meet them at the prison gates and continue work in the community. If we can ensure continuous provision for offenders, then we are most likely to ensure they turn their backs on crime when they return to the community.

There was strong support for joining-up interventions delivered in custody and in the community more effectively in consultation responses. Many agreed that this could make a difference to reoffending rates. To achieve this join-up we will make some changes to the way the prison system operates to support better rehabilitation:

- Each contract package area will be assigned a small number of designated 'resettlement prisons' which will release the vast majority of offenders to that area. This will enable the provider of rehabilitation services for the contract package area to allocate staff to engage with offenders during their time in custody, and then provide continuous service through their resettlement in the community. (Providers' geographical coverage is discussed further in Section 3)
- Most short term prisoners can expect to serve their entire sentence in one of their home area's designated 'resettlement prisons', improving family links and enabling better community engagement. In most cases, we will locate offenders serving longer sentences in one of their home area's resettlement prisons for a minimum of three months before the end of their sentence, to allow providers sufficient time to engage with them prior to release.
- Governors of 'resettlement prisons' will be expected to facilitate providers' engagement with offenders in custody.

The combination of the resettlement services in custody set out above, and the existing provision delivered by the prison, and by other government departments, for example employment and learning skills, health, and substance misuse services, will enable effective 'through the gate' transitions from custody back into the community. By implementing 'Day One Mandation' onto the Work Programme for all offenders released from custody who claim Jobseekers Allowance, we have made progress towards focussing on offenders' employment needs and our reforms will go further in tackling the full range of offenders' life management issues. We will consider further how our reforms can build on this approach.

Extending rehabilitation

There was a strong view in consultation responses that to have the greatest impact, we need to extend rehabilitation to all who need it, and in particular strong support for providing rehabilitation to offenders released from short custodial sentences, who include some of the most prolific, with varying views on how this should be made to work in practice. By competing the majority of services, and achieving a more efficient public sector service, we can extend rehabilitation to this group within allocated budgets and we will go ahead to put this new provision in place.

Our providers will have responsibility for reforming those offenders who are:

- sentenced to a community order or a suspended sentence order; or
- sentenced to a custodial sentence, including those discharged from short custodial sentences.

This will include young adult offenders aged 18 to 21 in both of the categories above.

The only exceptions will be that the new public sector probation service, for public protection reasons, will manage offenders who pose a high risk of serious harm to the public, those subject to Multi Agency Public Protection Arrangements and certain others in exceptional circumstances – our approach to public protection is set out in more detail in Section 2.

We will also extend the rehabilitation period for another highly prolific group of offenders. We will make sure offenders who are under the age of 18 at the point of sentence but reach the age of 18 before release from custody receive the same minimum length of rehabilitative support as those who are sentenced as adults. The other reforms in this document do not extend to juvenile offenders, but we are equally committed to stopping them from becoming repeat offenders. The consultation *Transforming Youth Custody* includes proposals to put education at the heart of youth custody to make sure young offenders are equipped for a life away from crime, and do not go on to become persistent adult offenders.

Giving providers grip over offenders

As we extend rehabilitation to short sentenced offenders, we will also put in place robust powers so that providers can ensure that this group engages with rehabilitation and can tackle their needs effectively. We will introduce legislation to make sure that for the first time in recent history engagement with rehabilitation is mandatory over a 12 month period for all prisoners released from short custodial sentences of up to 2 years (longer sentences already include licence periods in the community of at least 12 months).

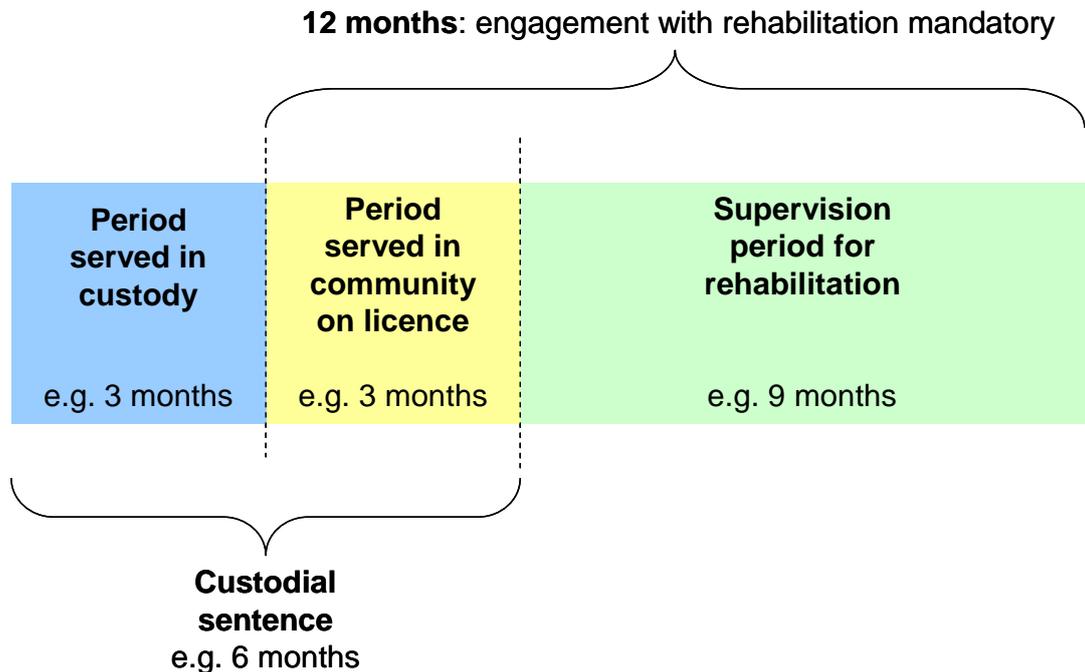
While some consultation responses were supportive of extending statutory rehabilitation to short sentenced offenders, others mentioned the burdens this might put on the rest of the criminal justice system, and also that where offenders participated in rehabilitation voluntarily, programmes might be more effective. We have considered arguments on both sides, but remain of the view that the very high reoffending rates amongst this group make it imperative to invest in extending mandatory requirements to them. Our approach, underpinned by legislation, will enable providers to reach the most prolific and hardest to reach offenders, and should not adversely impact those offenders who would have participated voluntarily anyway.

It will be for providers to determine the precise interventions which are most likely to be effective for individual offenders, but we need to make sure that where rehabilitative programmes are arranged, offenders do engage, and for a sufficient duration to make a difference to reoffending. We also need to make sure that offenders are not able to move out of their local area where this would disrupt their rehabilitation. We plan to ensure that all offenders in scope of our proposals must seek prior agreement before moving. We want to see them continuing to engage consistently with the same provider and supply chain partners in order not to disrupt their rehabilitation.

The new legislation will provide that all those released from short custodial sentences will now:

- first be subject to a standard licence period for the remainder of their custodial sentence served in the community; and
- then be subject to an additional supervision period for the purpose of rehabilitation.

The licence period and supervision period together will last for 12 months. An overview of this new mandatory rehabilitation period, using the example of a 6 month custodial sentence, is given in the diagram below and details are set out in the following box.



Legislation to extend rehabilitation to short sentenced offenders

- The new licence period will be applied to all those sentenced to less than 12 months in custody, and the new supervision period will be applied to all those sentenced to less than two years in custody. It will apply to those released immediately at the point of sentence due to time served on remand.
- Our only exceptions will be for those committed but not sentenced to custody (e.g. fine defaulters) or for those sentenced to terms so short that they are not taken into custody.
- Conditions for both the standard licence period and the supervision period will be set by the public sector on behalf of the Secretary of State.
- The menu of licence conditions for the standard licence period will be the same as those for offenders sentenced to 12 months or more in custody.
- The conditions attached to the supervision period will be more limited, since the supervision period will be solely for the purposes of rehabilitation and will not form part of the custodial term. These conditions will continue to cover supervision and other rehabilitative activity.

We discuss how breach will be handled under our system in Section 3.

Allowing providers flexibility to do what works

While our providers will need to ensure that orders of the court are met and that licence conditions are enforced, we want them to have as much flexibility as possible in their approach to rehabilitating offenders. We want to put trust in the front line professionals who work with offenders and to free them from bureaucracy.

Many consultation responses agreed that these professionals were often best placed to judge what would work for individual offenders, and should be given as much discretion

and flexibility as possible, and that by doing this we would achieve the biggest impact on reoffending rates.

Our contracts will contain a minimum of bureaucracy and will allow providers flexibility to tackle individual offenders' specific needs. We also consulted on whether there was sufficient flexibility in the community sentencing framework for effective rehabilitation. We have decided to introduce legislation to amend the community sentencing framework to provide greater flexibility in how rehabilitation is delivered, as follows:

- The current supervision requirement and activity requirement will be combined into a new single rehabilitation activity requirement.
- There will continue to be a separate accredited programme requirement, but the legislation will make clear that providers can also choose to deliver accredited programmes as part of the rehabilitation activity requirement. We will also amend accredited programme requirements and attendance centre requirements to allow for greater flexibility as to where they take place.

We have previously introduced legislation to ensure that all community orders contain a punitive element. Combined with more flexibility in the delivery of rehabilitative requirements, this will ensure that community orders contain both robust punitive requirements and flexibility for providers to tackle rehabilitative needs.

Focusing providers on reducing reoffending

We have described above how we will extend providers' responsibility for rehabilitation over the majority of offenders, put in place powers so that offenders engage with rehabilitation and give providers flexibility to address the needs they see day to day.

Alongside this, we will create incentives for providers to focus relentlessly on driving down reoffending rates. Competing services will allow us to use innovative payment mechanisms which drive a focus on reducing reoffending. Providers' level of payment will therefore be dependent on the reductions in reoffending they achieve.

Our payment structure will incentivise providers to reduce reoffending by combining 'fee for service' elements, where we need to see services in place for all offenders to make the system work in practice, with 'payment by results' elements linked to success. Our payment mechanism will be built around financial incentives for providers to deliver agreed reoffending reductions across the whole offender cohort.

We stated in the *Transforming Rehabilitation* consultation that we wanted to see offenders desist completely from crime and that the binary desistance measure – i.e. rewarding only complete desistance – fitted most closely with that aim. However, we also said that we were considering ways to adapt this measure to ensure that providers had an incentive to continue to engage with offenders after any reconviction. Some responses to the consultation made the point that 'payment by results', had the potential to incentivise providers to 'play the system' and not to focus on the most difficult offenders.

We have refined our 'payment by results' approach in response. Our payment mechanism will incentivise providers to focus resources on all offenders, including the most prolific and the hardest to help, and will ensure that they are not able to 'game' the system. Providers will be rewarded with success payments primarily when they achieve an offender's complete desistance from crime for a 12 month period. However, our payment mechanism will also take into account the total number of re-offences committed by the

cohort of offenders providers are responsible for rehabilitating, so that providers are incentivised not to neglect the most difficult offenders and those who have already reoffended. Every victim of crime matters and we need to ensure this is reflected in providers' payments.

The combined payment mechanism, including 'fee for service' and 'payment by results' elements will mean that providers need to work successfully with all offenders including the most prolific, and deliver minimum service standards for all offenders, in order to be paid in full. To be fully rewarded, providers will need to achieve both an agreed reduction in the number of offenders who go on to commit further offences, and a reduction in the number of further offences committed by the cohort of offenders for which they are responsible. This will encourage providers to make continuous support available to all offenders, will counteract the risk of providers ignoring the most difficult cases, and will introduce an incentive to design packages of support tailored to the needs of the individual, taking account of their situation and their protected characteristics where this is relevant.

To achieve success under our payment mechanism and to deliver reoffending reductions providers will need to work closely with other local partners and in particular local Integrated Offender Management arrangements. The benefits of engaging effectively will be reflected in provider contracts and we will discuss with practitioners and potential providers the final details of our payment mechanism. These details will include how we maintain cash-flow for providers by minimising the time lag between a provider beginning work with an offender and being awarded a final success payment – we will consider shortening cohort forming periods and the possibility of making interim success payments on the basis of a shorter reoffending window. Alongside this payment mechanism structure we will use our contract structure to incentivise continuous improvement over time.

Responding to women offenders' needs

In developing our strategy for reform we have considered carefully the potential implications for women offenders, drawing on written responses and feedback emerging from consultation events including two focusing specifically on women.

Women offenders are a minority group within the criminal justice system, accounting for 15% of the current probation caseload and 5% of the prison population. We recognise arguments made by a range of respondents that women offenders differ significantly from their male counterparts and that they often exhibit more complex needs. In particular, many women offenders have a background of abuse and first hand experience of the care system. Women offenders frequently report being victims of domestic violence and nearly two-thirds of women entering custody leave behind dependent children.

We acknowledge the widespread support amongst consultation responses for ensuring that providers are commissioned to deliver services tailored to the specific needs of women offenders. Respondents from the voluntary community and social enterprise sector were particularly concerned that existing women's services should not be replaced by a more homogenised service.

Having considered the options, it remains our intention to commission all rehabilitation services across geographical areas under a single contract rather than competing services separately for different offender cohorts. This will enable us to minimise duplication across the system, and deliver services at reduced cost. However, we will

expect providers to be able to articulate and respond to the particular needs of women offenders where these differ from men and may be more complex.

The design of services will be influenced by the experiences of providers and research findings about what provision is effective with women offenders. The NOMS (National Offender Management Service) review of the women's custodial estate, due to report in Summer 2013, will also strengthen services for women released from prison. This will ensure that commissioned services are based upon current best practice. Our plans to open up provision to a diverse market of larger and smaller providers will better support existing providers of women's services, often small community-based organisations, to deliver within the arrangement.

Of all offenders sentenced to prison, women offenders are more likely than men to receive custodial sentences of less than 12 months – at 30 June 2011, 19.9% of women in custody were serving such sentences, compared to 10.4% of male prisoners. The introduction of post-release supervision for short sentenced prisoners should provide huge benefits for women offenders. They will receive support in the community, geared towards addressing the factors associated with their offending. Payment by results will encourage providers to work in partnership with other public services to ensure that the broader life management issues associated with their offending – such as drug misuse, domestic violence and sexual abuse – are addressed.

Our reforms will deliver better outcomes for women offenders. However, we believe that additional leadership is required to ensure that the criminal justice system becomes increasingly responsive to the needs of women. *Strategic Objectives for female offenders* (March 2013) outlined the Government's priorities and announced the introduction of a Ministerial Advisory Board to be led by Justice Minister Helen Grant. The Board will support these rehabilitation reforms.

Drawing from the best of all sectors

There are organisations across all sectors which have value to add in reforming offenders. A large number of consultation respondents agreed that voluntary and community sector organisations could have a strong impact on reducing reoffending. We know that there are challenges for smaller organisations in all sectors in participating in delivery under 'payment by results' contracts and across large areas. We are determined to design a system which brings together the best of the public, private and voluntary and community sectors and we asked questions on how we could achieve this in the *Transforming Rehabilitation* consultation.

Many smaller organisations, in particular in the voluntary and community sector, are best placed to deliver services which reflect local needs, and we discuss how our system will reflect local needs further in Section 3. A number of consultation responses suggested practical ways in which we could facilitate smaller organisations' involvement. We have listened carefully to these responses and some of the measures we will take are set out in the box below. We want to see these organisations delivering services, either in supply chains, in partnerships or as part of consortia bidding to be lead contractors.

One particular area of concern in responses was that we had proposed too few contract package areas for smaller providers to be able to participate easily. Our consultation paper stated that we were minded to commission services across 16 different areas. Having considered responses, we have now decided to increase this to 21 areas – the precise boundaries are set out in Section 3. This increase will ensure that contract

package areas are of a variety of sizes and values, in order to make sure more medium and small organisations can join bids to take part in delivery of services.

We also want to design a competition process which allows a range of different kinds of entities to be able to bid to deliver services. Such entities would have to be capable of bearing financial risk. This could include alternative delivery vehicles and mutuals designed by staff groups within existing Probation Trusts.

A number of staff within Probation Trusts have already expressed an interest in being part of a mutual. The Cabinet Office has agreed to make available some funding from its £10 million Mutuals Support Programme as well as access to coaching, technical workshops and capability-building from experienced commercial mentors and leaders in the field to help ensure potential mutuals can compete effectively in competitions.

Facilitating smaller and VCSE providers' involvement in delivery

To ensure smaller and VCSE organisations can be involved in delivering rehabilitation, using their local expertise in working with offenders, we are taking a number of practical steps. In particular, these will ensure that these providers can form part of fair and sustainable supply chains as sub contractors.

Before competitions begin:

- we will continue to help to build the capacity and capability of the VCSE to participate in the market competition through a £500,000 grant: £150,000 has already been awarded for production of an action plan for overcoming barriers to VCSE participation in contracts. A further grant of £350,000 will be awarded to support implementation of the plan.
- the Cabinet Office is adding further support for VCSE organisations to prepare for these reforms. This includes a series of masterclasses to help VCSE organisations to strengthen their commercial skills, and bid for public service contracts. The Cabinet Office is also using the Investment and Contract Readiness Fund to specifically target organisations involved in the delivery of rehabilitation services. In addition, the newly launched Cabinet Office Centre for Social Action will make available at least £1m to support organisations using social action in the rehabilitation of offenders.
- the MoJ and Cabinet Office are carrying out a mapping exercise to develop a database of VCSE organisations involved in the delivery of rehabilitation services, so that potential providers are aware of possible partner organisations.
- we will look at how social investment can increase the number and range of organisations with the financial capacity to participate in competition and delivery. This builds on our experience commissioning the Social Impact Bond at HMP Peterborough.

As we move into competitions to deliver services:

- the MoJ will instigate a process to engage with potential supply chain partners through a single Expressions of Interest form. This process will result in a database of organisations who will self declare their areas of expertise and the geographical locations of most interest to them and evidence their experience and quality. Taking this central process forward once will reduce the burdens that would fall to smaller providers in negotiations with individual lead organisations. We know that the due diligence required to prepare multiple expressions of interest can be extremely time consuming, and that smaller and VCSE organisations will often not have the capacity to do this. Once assembled and approved for publication by MoJ this database will be made available as part of a networking process to all organisations engaging in the competition. It will also assist lead organisations so that they are better able to assemble diverse supply-chains in each geographic area.
- lead organisations will be expected to provide evidence of how they would build and sustain local partnerships with local and community sector organisations as part of the bidding process as well as in ongoing governance through the agreed market stewardship principles which will extend throughout the whole supply chain – this is discussed further in Section 3.
- the MoJ will ensure that the Compact Principles are used to inform the development of the competition process, the service specifications and contractual terms and conditions. These principles set out an agreement between the VCSE sector and the Government on how best to work together.
- the MoJ will also work with the emerging social investment market to ensure available capital can be directed to facilitate VCSE providers' involvement in service delivery and will also continue to engage with Trust Funders who play an important role in supporting innovation in this sector.

To support sustainable partnerships during live operation:

- the MoJ will develop two industry standard contracts, one for lead organisations and one for supply chain partners. The contracts will incorporate and ensure sustainable delivery of MoJ Market Stewardship Principles –they will ensure fair, reasonable and transparent treatment aligned to best industry practice of all those involved in the direct and indirect provision of services. We will develop these principles in discussion with smaller and VCSE organisations, including the National Council for Voluntary Organisations.
- our Market Stewardship Principles, captured within the contracts, will extend to areas such as the transfer of financial risk in sub-contracts. Providers will not be prohibited from signing sub-contracts with partners which transfer financial risk, but the extent to which they do so will be transparent. It will also be considered as part of the bidding process in terms of sustainable supply chain management and over time in subsequent contract management.

Access to data for greatest impact

Many consultation respondents highlighted the need for data to allow them to plan effective interventions. Some mentioned the need to see specific results on whether the offenders they were working with were desisting from crime. We are also conscious of the valuable evidence on reducing reoffending that has been built up and the value of disseminating this and we have decided to act on both these points.

We have been working to improve the evidence base in relation to reducing re-offending. We have decided to publish a summary of current research on what works to reduce reoffending, to be shared with VCSE and other market providers to help them plan new service delivery. The evidence summary will present key evidence on what works to reduce re-offending. It will:

- set out a concise summary of the existing evidence base that is accessible to potential providers;
- clearly state the strength of the available evidence to support decision making; and
- signpost relevant, more detailed sources of information/advice.

We aim to complete this project during summer 2013, so that potential providers have access to this source of information well in advance of submitting final bids and of services beginning live operation.

We have also set up a Justice Data Lab to allow all organisations working with offenders to access central re-offending data so they can better understand the impact that their work has had. The highest demand is expected to come from voluntary and community sector organisations.

Currently many providers, particularly in the voluntary sector, struggle to access re-offending data relevant to the offenders they work with. This means organisations often struggle to measure the effectiveness of their rehabilitation work.

The Justice Data Lab will address this by providing organisations with re-offending data specific to the offenders they have been working with. MoJ analysts will match data from organisations working with offenders with national records to produce reoffending rates for that group of individuals. Where possible, we will also produce a comparable reoffending rate for a control group of offenders with very similar backgrounds so the organisation can better assess the effectiveness of their particular work in reducing reoffending. This will allow them to focus only on what works, better demonstrate their effectiveness and ultimately cut crime in their area.

Through sharing the data, the MoJ will also build a library of valuable information that can be used to inform rehabilitation schemes up and down the country, creating a culture of best practice and transparency.

Part 2: Protecting the Public

Reducing reoffending is one of the best ways to protect the public. When fewer convicted criminals go on to commit further crimes, there are fewer victims of crime as a result. But we also need a system which has a particular focus on protecting the public.

We have been clear that as we work to tackle reoffending rates, we will not take risks with public protection. In this section we set out how we will ensure that our reformed system protects the public effectively, through retaining some functions and offenders to a new public sector probation service. The *Transforming Rehabilitation* consultation set out the principles of reserving to the public sector the management of offenders who pose a high risk of serious harm, and we have now developed our model further, taking consultation responses into account.

- We will put in place a new public sector probation service. The design of this new service will maintain probation officers' fundamental contribution to protecting the public from the most dangerous offenders, is set out in Part 3 of this document.
- The new public sector probation service will carry out risk assessments of all offenders and will be responsible for the direct management of those offenders who pose the highest risk of serious harm to the public and who have committed the most serious offences.
- We have developed further our model for the way the public sector probation service and market providers will interact to ensure a cohesive approach to managing risk.
- MoJ/NOMS contract managers will have oversight of both the public sector and market providers in order to oversee the effective operation of these mechanisms.

Offenders managed by the public sector

To make the biggest impact on reoffending rates, we want to give new providers, incentivised under 'payment by results', responsibility for rehabilitating as many offenders as possible. However, there are certain offenders for whom we have decided the public sector should retain responsibility given the particular nature of the offender management required.

The public sector probation service will manage the following offenders:

- those requiring management under Multi Agency Public Protection Arrangements (MAPPA) because of the severity of their offence;
- those not managed under MAPPA but nevertheless assessed at the outset as posing a high risk of serious harm to the public; and
- any cases transferred back to the public sector due to risk escalation (see below).

In certain exceptional circumstances, the public sector may also retain responsibility for managing other offenders in instances where there is a clear and exceptional public interest in them doing so. We expect the number of such cases to be very low.

Where interventions are required for offenders managed by the new public sector probation service, the public sector probation service will be responsible for providing or

accessing these at the market price. We expect that most of these interventions will be delivered by our new market providers.

Public sector and providers working together to manage risk

Many consultation respondents pointed out the potential difficulties in allocating risk management responsibilities for different groups of offenders to different sectors, in particular in maintaining continuous provision when risk levels changed.

We have listened carefully to those concerns, and have designed a system which will effectively handle changing risk levels, through a strong public sector role managing those offenders who pose a high risk of serious harm and through contractual guarantees from providers, with respect to risk management.

Both the public sector probation service and the contracted providers will have responsibilities for day to day management of the risk of harm to the public in relation to the cases on their respective caseloads.

The initial risk assessment of every offender will be carried out by the new public sector probation service. Those offenders assessed not to pose a high risk of serious harm, or who have not committed the most serious offences, will then be allocated a lead provider. This group will comprise the majority of offenders. This provider will then have a contractual responsibility to refer these cases to the public sector probation service when there has been a significant change in circumstances that might affect the assessment of risk of serious harm. Otherwise, where there has not been a change in the assessment of risk of serious harm, the market providers rather than the public sector probation service will interact with and manage these offenders day to day.

In response to issues raised during the consultation, we will put a number of additional measures in place to ensure that the new public sector probation service can exercise its role in protecting the public effectively.

- Firstly, there may be cases in which the public sector probation service, in conducting an initial risk assessment of an offender, decides at the point of allocation that although the criteria for public sector management are not met, there could be a quick escalation to the high risk of serious harm category if particular circumstances were to change. If it wishes to do so, the public sector probation service can therefore specify a number of triggers at the initial risk assessment and allocation stage which constitute a significant change in circumstances, and which would require a further risk assessment involving the public sector probation service. Providers' standard contractual responsibility of notifying the public sector probation service of any issues that indicate risk is escalating to high will continue in parallel with these arrangements.
- Secondly, for those cases which are finely balanced between the medium and high risk of serious harm categories, either at the point when the case is being allocated or at a point when risk escalates and is referred by a contracted provider after allocation, the public sector probation service will be able to carry out renewed risk assessments at given times.
- Thirdly, in instances where the public sector probation service receives intelligence (for example from the police) that suggests an offender's risk of serious harm may have escalated to high, it can undertake an immediate reassessment of the risk the offender poses.

Where a case escalates to a high risk of serious harm, during the course of the community order, suspended sentence order or licence, it will become the responsibility of the public sector probation service, which will then decide how the case is handled in future. The public sector probation service will have the option of delivering interventions for the offender. It will also have the option of agreeing with the relevant contracted provider that they will continue to provide interventions (such as mentoring and community payback) in order to minimise disruption in day to day contact with the offender and rehabilitation efforts. Under these arrangements, providers' flexibility to determine what services are delivered, and how, would cease. Instead, the public sector will contract delivery of certain services from providers on a fee for service basis and will direct service delivery through a new risk management plan which the provider will be obliged to follow.

Other functions carried out by the public sector

Beyond the direct management of high risk offenders and initial risk assessments, there are other functions which we have decided are best exercised by the new public sector probation service, so as to ensure that the needs of victims, of public protection and of the courts are best met:

- The public sector probation service will provide pre-sentence advice to court as requested by sentencers. It will also continue to advise the parole board on release decisions. This will ensure that these functions are carried out impartially and in the interests of justice, without any risk of perverse incentives. Market providers will provide information as required to support these functions.
- The new public sector probation service will retain the victim liaison role for all cases to which it applies (currently offenders sentenced to 12 months or over for a violent or sexual offence). We are committed to ensuring that the reformed system is responsive to the needs of victims, and have decided it is right that the public sector should continue to exercise its experience and professionalism in conducting the victim liaison role. We are clear that across the justice system victims of crime must get the best possible support, both to help them recover from their experience and to help them through what we know can appear to be a confusing and sometimes intimidating Criminal Justice System
- The public probation service will retain responsibility for those Approved Premises which it currently manages.
- Some respondents to the consultation were concerned about the potential for perverse incentives for providers in breach decisions. We have decided that the public sector will decide on action in relation to all potential breaches beyond a first warning, and will advise the courts or Secretary of State on sanctions or recall to custody. This will mitigate any risk that commercial interests play a part in contracted providers' decisions on whether to instigate breach or recall proceedings. The way enforcement will be handled in our system is set out in the box below.

Breach proceedings under our proposals

We want to use our new and existing licence provision to ensure offenders engage with rehabilitation and to incentivise compliance. This will benefit the public and empower service providers. In doing so, we are mindful of the possibility that extending licences to more offenders may place more burdens on other partners in the justice system, for example the police. We will implement a system of escalating sanctions, so that breaches can be robustly, but effectively, dealt with.

As is the current position for longer-sentenced offenders released on licence, breaches of the new licence period will be dealt with by the public sector administratively. The public sector will have discretion to consider a reported breach of conditions and will be able to consider warning the offender, asking the Governor to vary the licence conditions (for example, by adding a curfew or imposing electronic monitoring) or ultimately use administrative powers to recall an offender to custody. Offenders recalled to custody will generally be recalled for an automatic period of 14 days (as opposed to 28 days for longer-sentenced offenders), but where there is assessed to be a risk of serious harm to the public, offenders can be recalled until the end of their sentence.

Offenders who breach the requirements of the new supervision period will be brought back before the court. The court will have the power to impose the following sanctions: a fine, unpaid work, a curfew, or, ultimately, a return to custody for a period of up to 14 days.

The current legislative framework combines both delivery and enforcement of a community order or suspended sentence order in one role, the Responsible Officer (RO). Under the current framework, the RO is usually a Probation Trust, as a provider of probation services but for certain types of order it is a provider of electronic monitoring or the person in charge of an attendance centre. We intend to introduce technical legislative changes so that:

- delivery of an order can be the responsibility of either the public sector probation service or a contracted provider, depending on who is responsible for managing the offender;
- issuing a warning can be the responsibility of either the public sector probation service or contracted provider; but
- laying information before a court to enforce the breach (and the decision in these cases on whether the breach was reasonable) would be reserved to the public sector probation service.

Part 3: Making the System Work

We know that putting a system in place which works well in practice, including in partnership with other agencies, will best support reductions in reoffending. We need commissioning structures which are responsive to local needs, which put providers' quality and the ability to deliver real reoffending reductions at the heart of procurement decisions, and which minimise bureaucracy for providers so that they can focus on work with offenders. And we need a professional public sector probation service to protect the public from offenders who pose a high risk of serious harm and to carry out retained functions. This section sets out how we will design a system which includes:

- an effective and efficient public sector structure
- an efficient commissioning and contract management structure, which is responsive to changing needs and priorities at the national, Police and Crime Commissioner (PCC) and local area level;
- better join up of cross-Government spending on offenders, through opportunities for co-commissioning and joining up funding streams and developing and testing with the Department of Health a comprehensive 'end-to-end' approach to tackling addiction from custody into the community;
- providers which integrate and work effectively with PCCs and other local agencies and services;
- contract package areas drawn to support effective joint working and a diverse range of providers;
- support for a strong probation profession and work to design a professional body for the probation service in conjunction with current probation professionals; and
- effective governance and assurance of the whole system;

We will also design data sharing systems and IT which support delivery under this system.

In the detailed responses we received to the *Transforming Rehabilitation* consultation respondents made a range of suggestions for how we could make our system for rehabilitating offenders and protecting the public effective in practice.

Respondents suggested that it would be vital for new providers to integrate with effective existing structures and partnerships. Some stressed that services delivered must be responsive to local needs and that we could achieve better results through closer alignment in priorities between the different agencies which worked with offenders. Others mentioned that we must maintain clear accountability and governance throughout the system and that it should be transparent in order to build public and stakeholder confidence. We heard the point emphasised that effective IT and data sharing systems would need to be in place to make the system work in practice. And there was strong feeling that a skilled workforce of probation professionals must be maintained. We have paid careful attention to those responses and the way we have incorporated these views into our approach is set out in the following sections.

Transforming the current probation service

We stated in the *Transforming Rehabilitation* consultation that we expect that, under our reforms, current probation professionals will work in the public, private and voluntary sectors, protecting the public and delivering rehabilitation services using their considerable skills and experience in working with offenders. By making changes to our current delivery arrangements, we can bring in a more diverse range of providers to help tackle reoffending, can use innovative new payment mechanisms to incentivise a focus on reducing reoffending, and can achieve efficiency savings to allow us to extend rehabilitation support to more offenders.

We are committed to maintaining a strong probation profession. Probation staff currently make a significant contribution to protecting the public from the most dangerous offenders in the community; we want to retain their expertise in working to protect the public from those who pose the greatest risk of serious harm and who have committed the most serious offences, and in working to reduce their reoffending.

We will therefore create a new public sector probation service, carrying out the critical roles of providing pre-sentence advice to court, assessing the risk an offender poses to the public, and directly managing those subject to MAPPAs and those who pose the highest risk to the public. We will put in place a system where the skills and experience of these professionals, alongside the innovation and versatility of private and voluntary sector providers, supports the rehabilitation of offenders, as envisaged by the Offender Management Act 2007.

We stated in *Transforming Rehabilitation* that we would organise the new public sector probation service in the most efficient manner to discharge its new responsibilities. Having considered our system requirements, and respondents' views on the strengths of the current public sector probation service, we have decided to move away from the current system of individual Probation Trusts. Instead, we will introduce a new National Probation Service to deliver the functions identified.

- This new public sector probation service will be managed directly by MoJ through NOMS. This will ensure that MoJ/NOMS contract managers can effectively oversee the work of both the public sector probation service and competed providers and how they interact.
- Under this new national structure, we envisage that public sector probation employees would become civil servants. This would enable them to take decisions on behalf of the Secretary of State. This means that a number of executive functions could potentially be performed directly by probation staff.
- The new public sector probation service will have a distinct identity for Wales, facilitating links and relationships with the Welsh Government.
- By sharing back-office functions within the public sector we can release efficiency savings to invest in rehabilitation.
- Below the national level, we will create a structure to maintain co-terminosity with PCC and Local Authority boundaries, without disrupting partnerships established under previous Probation Trust boundaries. At the local level, a Local Delivery Unit network will be maintained to provide the local focus on service delivery and to maintain and develop strategic and operational relationships with partners.

We will work closely with Probation Trusts to manage the transition between the current system and the proposed structure. This will include minimising any uncertainty and disruption for existing staff. We are mindful that our plans have the potential to affect individuals and groups of staff differently. We will keep this under review and will seek to identify and mitigate any disproportionate impacts that arise for particular staff groups with shared protected characteristics.

We expect that the majority of staff currently performing probation roles will transfer to new providers. These transfers will occur under statute, and in their new roles staff will have the opportunity and flexibility to work on rehabilitating offenders. We will take a sensible and managed approach to making this transition – our intended timescales are discussed in further detail in Part 4 of this paper. Before successful bidders take on live operation of rehabilitative services we will complete restructuring of the current probation service into functions which will and will not be competed. This approach will minimise disruption to business as usual, and allow successful bidders to take on rehabilitative functions as going concerns, adding additional services for short sentenced offenders and 'through the gate' services.

We believe that the principle of employee representation is an important aspect of ensuring effective operation of our business. We will work together with employee bodies and the market to develop appropriate employee participation in future new market provider entities.

We are drawing on the responses from the previous consultation to develop an appropriate approach to maintaining professional standards and assuring the quality of training. Several consultation responses were supportive of our suggestion of a new professional body for the probation profession, across both public and market sectors. Given the range of views on how this could most effectively be taken forward, we have decided to design this body in partnership with probation professionals and will take this work forward as a priority.

We recognise that there is a range of roles to be performed in the rehabilitation and management of offenders, some of which require a higher level of skill than others. The Probation Qualifications Framework will form the basis of competency standards for the public sector and, in the market sector, providers will be expected to evidence in their bids how they will manage a workforce with appropriate levels of training and competence. They may choose to use the Probation Qualifications Framework in order to do so.

A responsive and efficient commissioning structure

At the centre of our commissioning approach is our commitment to putting in place providers who will deliver a high quality rehabilitative service which achieves reductions in reoffending. Our contracts will be of sufficient duration for providers to invest in developing innovative services which will tackle offenders' needs. We will work to finalise contract lengths on the basis of discussions with providers regarding investability. Those providers who perform well should have the confidence to embed their delivery structures and work to improve them over a sustained period.

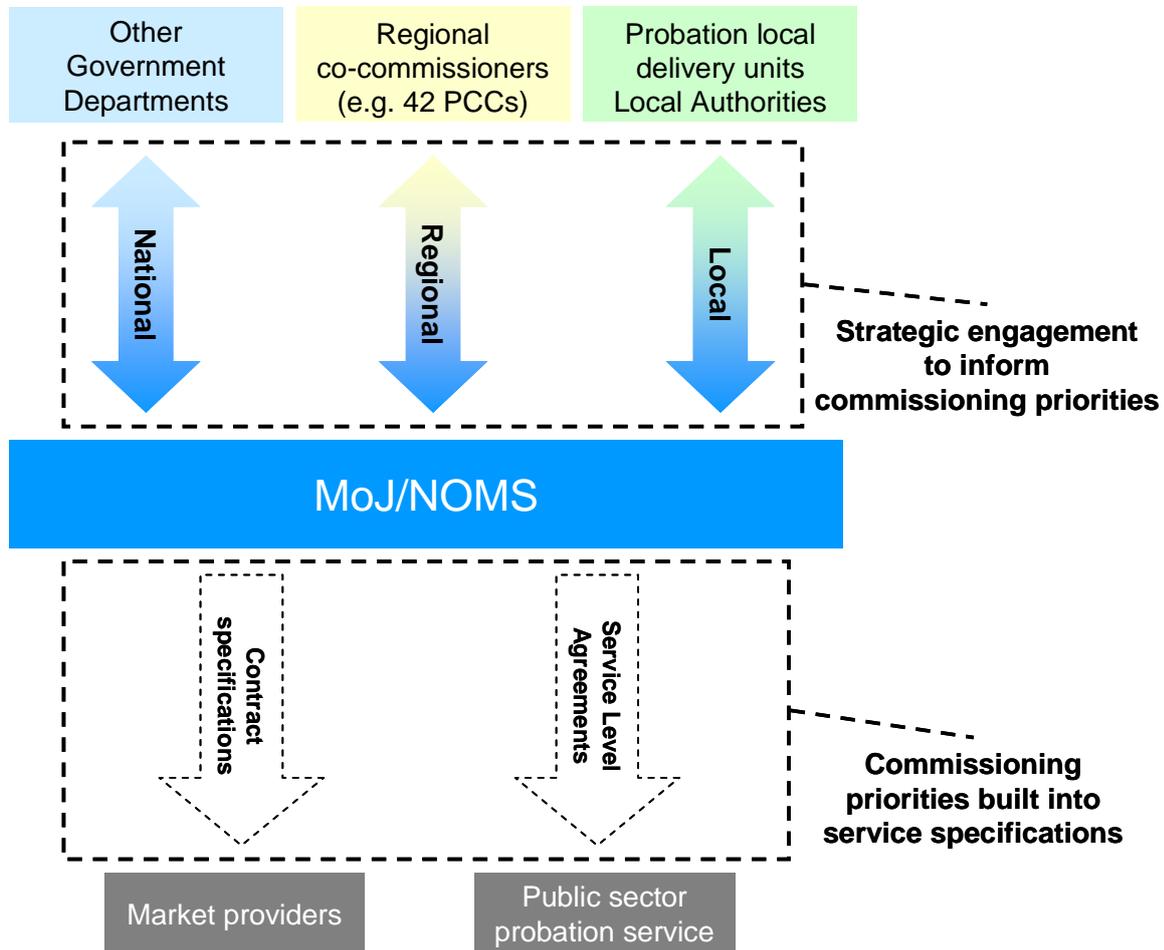
In the *Transforming Rehabilitation* consultation we set out our view that a national commissioning function, informed by intelligence on local needs and priorities provided by local delivery agencies, would ensure that our proposals were deliverable, affordable and would deliver maximum value for money. Some consultation respondents were concerned that by commissioning services nationally, there was potential for local needs to be

overlooked. We remain of the view that commissioning contracts on the proposed scale and on a 'payment by results' basis will be most effectively and efficiently carried out by a national function. We have worked to design a commissioning function which is responsive to local priorities.

- The MoJ/NOMS will be responsible for commissioning our rehabilitation services. So that commissioning is responsive to the needs of other CJS partners including at the local level, we will ensure that the commissioning process is informed by engagement with co-commissioning partners at a national, Police and Crime Commissioner and local authority level. Contracts will be responsive to changing demands and priorities at local and national levels, new legislation and the wider commissioning context.
- Probation service local delivery units will support the gathering of intelligence on needs and priorities at a local level, including from key partners (e.g. local authority needs assessments) to feed into the MoJ/NOMS commissioning process.
- Through MoJ/NOMS contract management we will require providers to be responsive to changing demands and priorities at local and national levels, new legislation and the wider commissioning context. Where commissioning priorities need to be adjusted, this will be done in consultation with relevant stakeholders. It remains our intention, however, that our approach to contract management will not be overly-prescriptive and restrict providers' ability to innovate.

As many consultation respondents also stressed, we need to ensure that the contracts we award are effectively managed, to provide assurance that the overall system performs in line with strategic priorities set out by ministers and the MoJ/NOMS. We are of the view that this contract management function can be best fulfilled by MoJ/NOMS, which will contract manage providers through an account management structure. The MoJ/NOMS will also agree the delivery responsibilities captured within an SLA with the public sector probation service.

The diagram below gives an overview of commissioning and contract management under our new system:



Police and Crime Commissioners

Police and Crime Commissioners have a crucial role in tackling crime and supporting victims across given geographical areas and will be a key partner for our new providers. Our proposals will bolster joint crime reduction efforts with PCCs by including short sentenced prisoners released from custody within new providers' caseloads, and providing a statutory basis for intervention. Already, we are making sure services for victims are commissioned locally in response to what victims actually need. PCCs will act as champions for victims in their communities and put in place the services needed, since they are best placed to know what victims in their neighbourhoods actually require. Several of our contract package areas map directly onto individual PCC areas, which will facilitate very close working at an early stage. To continue this integration we will ensure that all PCCs will be consulted in the design of the new system and engage collaboratively with it in live operation. This will ensure that local needs and priorities continue to be addressed and that the work of the new providers are supporting reductions in local crime rates:

- In advance of competition, PCCs and their partners will be able to discuss alignment of their priorities with the MoJ/NOMS commissioning priorities for their areas.
- We will also look to PCCs to assist with the provision of information on Integrated Offender Management arrangements, and to help define what 'good' looks like for their area, including submitting tailored information on wider crime reduction initiatives to inform bidders.
- During the competition, PCCs can engage potential providers and help them understand their priorities and provide briefings to inform local priorities so potential providers can successfully demonstrate this in their bids. In particular, all bidders will need to show how they will relate to and incorporate Integrated Offender Management arrangements into their proposals and contracts will reflect this.
- We will also attach PCC Crime Plans to the tender documents and providers will have to show due regard to these.
- Once providers begin to deliver rehabilitation services, we will expect them to work collaboratively with PCCs. PCCs will engage with providers through local forums such as Community Safety Partnerships, ensuring that they and providers are working together to deliver local priorities and reduce crime.
- Contract managers will actively engage with PCCs when reviewing aspects of provider delivery, in particular on their integration with partnerships and the impact on crime, locally.

PCCs will be able to commission rehabilitation providers to deliver additional services in line with their own priorities through co-commissioning. We remain open to PCCs taking on a greater role in commissioning in future as the new system embeds.

Integration with existing partnerships

In our consultation we stated that we were conscious of the need for new providers to integrate into and make best use of existing local structures, including statutory ones such as those that underpin MAPPAs and Youth Offending Teams. Some consultation respondents were concerned that introducing new providers into local areas could disrupt effective existing partnerships.

We are firmly of the view that to reform offenders and contribute to public protection, providers will need to engage with statutory and non-statutory local strategic and delivery partnerships. Paying them according to their results in reducing reoffending will incentivise them to establish these links.

We need to preserve and build on the good work already done by agencies who work together to manage offenders in the most effective way, for example under Integrated Offender Management (IOM) arrangements. The dedication and pooled expertise of IOM arrangements has served to control the impact of the worst offenders in local areas. It will be equally important for providers to work with other local partners like Community Safety Partnerships, safeguarding boards and Youth Offending Teams.

It will be in providers' interests to work with other partners to achieve the best results and our payment mechanism, which will reward reductions in reoffending, will incentivise them to do so. In order to effectively engender this integration the MoJ will include as part of the formal evaluation of bids a requirement that providers evidence how they would sustain and develop networks and partnerships, including IOM. We will also, as part of our market engagement strategy, work with the Home Office to ensure that providers are aware of the importance of IOM in helping to tackle the impact of the worst offenders in local areas. After contracts are let, the MoJ/NOMS account management function will monitor all providers' local partnership working as part of its role in obtaining assurance of the delivery of services, liaising with PCCs and other relevant partners as necessary.

Joining up Government spending on offenders

The *Transforming Rehabilitation* consultation included questions on how we could make the money Government spends on offenders work harder to achieve better rehabilitation outcomes. Other Government departments have responsibility for the delivery of drug and alcohol services, mental health support, education, training, employment and accommodation services. There was a wide range of suggestions in response, with repeated views expressed that we could do more both to align different agencies' priorities, perhaps through co-commissioning approaches, and to go further and join up funding streams. Our system will support co-commissioning and we will also explore opportunities to pool some of the funding allocated to work with offenders so that it can be used more efficiently.

The rehabilitation programme commercial agreements will include appropriate commercial clauses which facilitate the co-commissioning of services for offenders by other public sector commissioners. It is our aim that, for example, PCCs, Health Commissioners, the Department for Work and Pensions, the Skills Funding Agency or Local Authorities, could be able to commission rehabilitation providers to deliver additional services in line with their own priorities. Where services are co-commissioned together with MoJ/NOMS, we will develop joint mechanisms for overseeing delivery with other partners.

Providers will also be required to hold a core minimum data set for the cohort of individuals in their geographic area. This will then be made available to other relevant commissioners to enable them to target provision against need at the local level.

We will also align our work to develop a competition for the next round of European Social Funding (ESF) with providers' services to reduce reoffending. ESF funding will be targeted at the hardest to reach groups and will be competed so that it is complementary to the work of our new providers and the Work Programme.

We are keen to use these reforms and in particular our new 'through the gate' provision and the reconfiguration of the prison estate to build on existing collaboration between departments. We have agreed with the Department of Health that we will develop and test a comprehensive 'end-to-end' approach to tackling addiction from custody into the community in a number of the prisons that will become designated 'resettlement prisons' in our new system. We will use the learning from this approach to inform wider roll out in line with the projected timescales of *Transforming Rehabilitation*, working in conjunction with Local Authorities which commission community drug treatment.

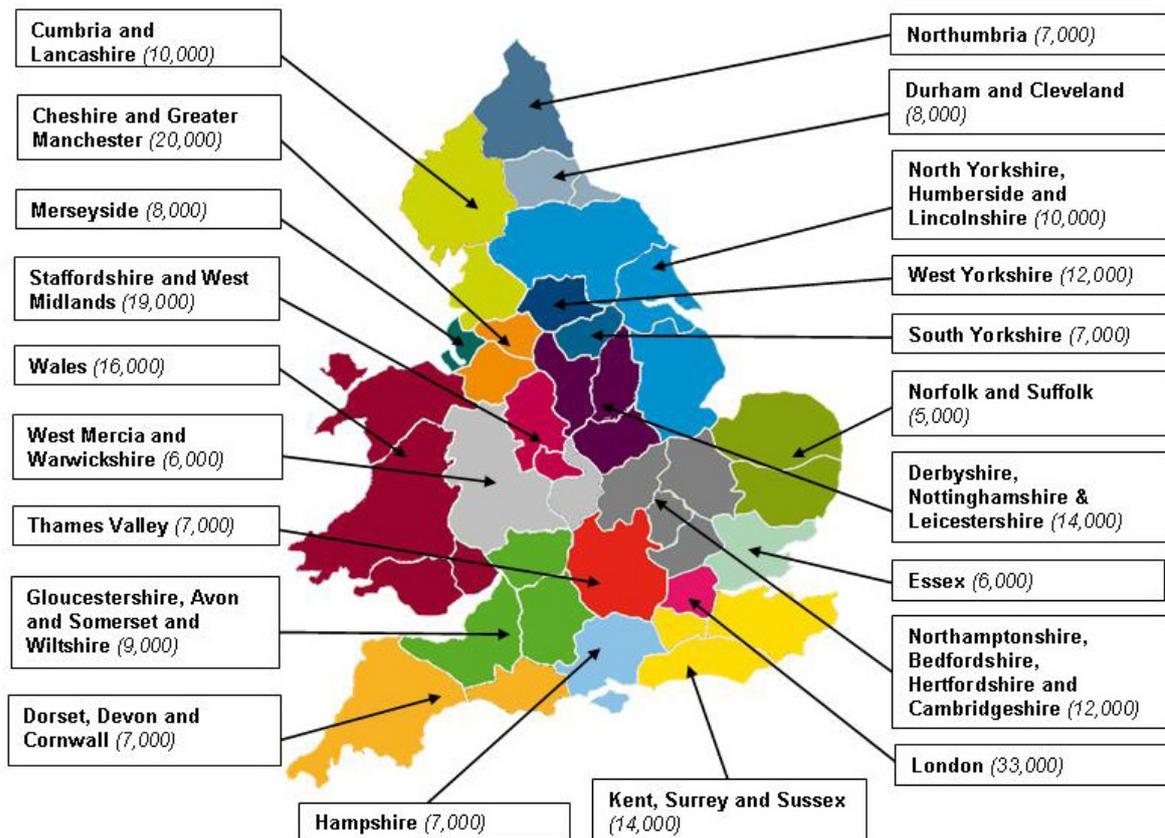
Effective contract package areas

As set out above, in the *Transforming Rehabilitation* consultation we stated that we were minded to commission services across 16 different contract package areas. In response to concerns over the impact of this on achieving a diverse market including medium and smaller providers, we have decided to increase the number of contract package areas to 21. This will ensure that contract package areas are of a variety of sizes and values, while still maintaining the scale and efficiencies we need.

Consultation respondents also agreed that contract package areas should be aligned with other agencies' areas of responsibility in order to support joint working. We will ensure that contract package areas do not cut across either PCC or Local Authority boundaries and align as closely as possible with the Work Programme. This will facilitate alignment of priorities and joint commissioning as set out above. Under our increased number of areas, several contract package areas map one-to-one onto PCCs' areas of responsibility (London, Essex, Thames Valley, Hampshire, Merseyside, West Yorkshire and South Yorkshire).

We will also create a distinct contract package area for Wales, matched by a public sector probation service with a distinct identity for Wales. This will support the close partnership working already taking place between the range of agencies which work with offenders in Wales.

The map below shows the geographical boundaries over which we will compete contracts for delivery. An indicative estimated annual number of starts of low and medium risk of harm offenders with market providers in each contract package area is also included.



Effective governance

Several responses to the *Transforming Rehabilitation* consultation emphasised the need to ensure that our system was effectively governed and assured in practice. We will take steps to ensure that contracted providers and the public sector probation service should adhere to a set of national minimum standards and that providers have internal quality assurance processes. The contract management will be carried out by MoJ/NOMS under the arrangements set out above. We are clear that in doing so we must both protect the public and ensure that providers have sufficient flexibility to innovate in order to maximise impact on crime through reducing reoffending.

Very many respondents were supportive of a continuing role for HM Inspectorate of Probation under our new system. Many suggested that the role should be extended to include oversight of new market providers and we will take this forward. There will continue to be an independent Inspectorate of Probation with the same statutory remit as now. The Inspectorate will be expected to inspect the system as a whole, covering both the public sector probation service and the contracted providers, though minimising bureaucratic burdens, and to liaise with HM Inspector of Prisons in relation to pre-release provision. We envisage that the inspectorate will shine a light on and spread best practice across the system, giving providers the best opportunity to reduce reoffending.

Part 4: Implementing Reform

We need to move ahead now to tackle unacceptably high reoffending rates. This section describes our intended timetable for implementing the reforms set out in the sections above, subject to affordability and passing the required legislation.

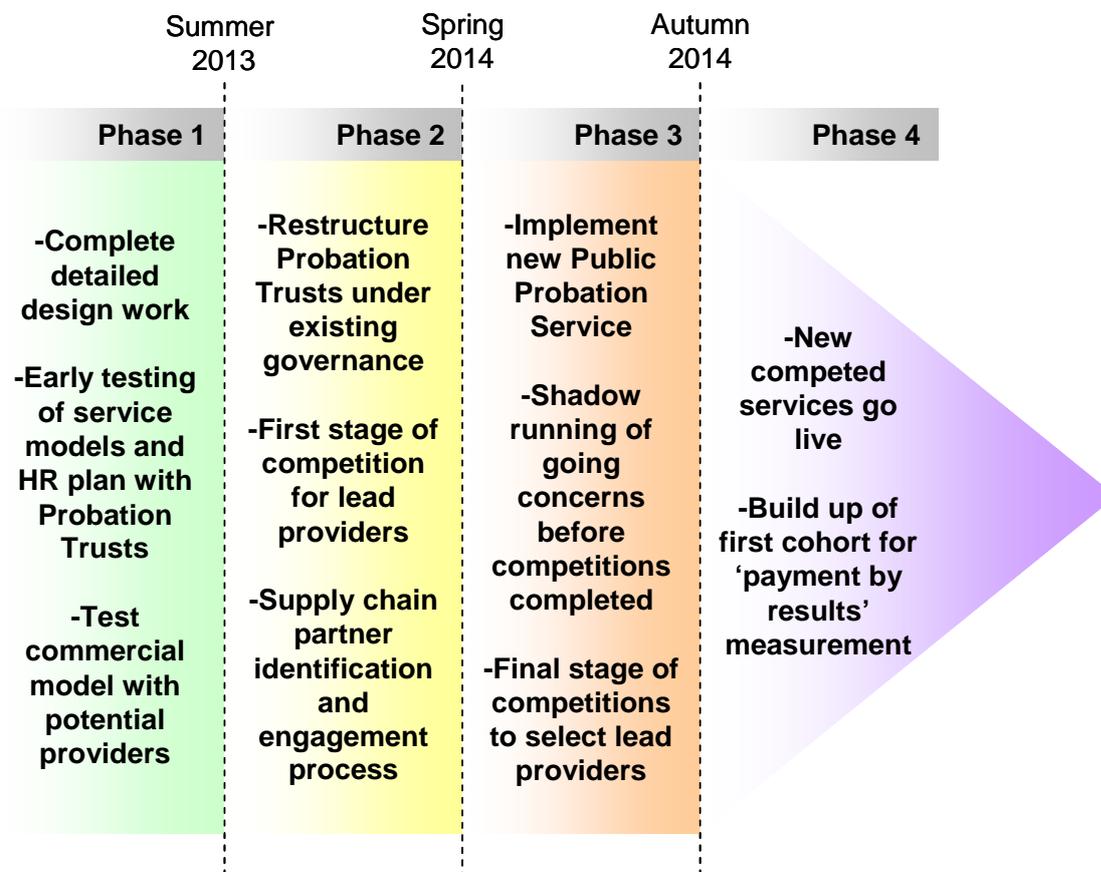
We have stated our commitment previously to seeing 'payment by results' commissioning approaches rolled out across the system by 2015. Some consultation responses highlighted the challenges of our proposed timetable for implementation, both for potential providers and current practitioners.

The need to reduce reoffending is pressing, and we will take a measured approach to implementation, ensuring bidders have maximum clarity over the details of our final approach as early as possible and changes to service delivery are taken forward in phases.

But we are committed that, from autumn 2014, services will be delivered under new contracts by the successful bidders who will take over going concerns. To achieve the reductions in reoffending rates we need, it is vital that we move ahead to put our new approach in place.

A phased approach to implementation

By implementing our new system in phases, with market providers delivering services from autumn 2014, we will allow time for providers to form bids, for the public sector to restructure with minimal disruption to business as usual and for new services to be set up. We are committed to pressing ahead with implementation, to ensure we begin to deliver the reductions in reoffending that we need as soon as possible. Our intended phased approach will follow the timetable shown in the diagram and set out in further detail below:



Phase One – to summer 2013

- In **spring 2013**, we intend to introduce primary legislation to enact a rehabilitation bill to extend statutory rehabilitation support to short sentenced offenders, to give providers greater flexibility under rehabilitative requirements, and to make changes to the Responsible Officer role to support our new system.
- By beginning to legislate early, we can give potential providers clarity over the service offering which will be required, allowing them to prepare bids, form partnerships between larger and smaller organisations and begin to gear up new services for delivery.
- During this phase we will also complete the final details of our system design. We will also test robustly some of the details of our plan. We will learn lessons from those trusts who have moved earlier to the new operating model. We will also test the commercial model with potential market providers.

Phase Two – to spring 2014

- In summer 2013, we will commence the competitive process for our new providers. This will involve both competitions to award contracts across package areas to lead providers, and also our supply chain partner process to identify and provide information on smaller providers. This will be taken forward through a standard Expressions of Interest process so that lead providers are able to assemble diverse supply-chains in each geographic area.
- We will work with existing trusts to reorganise the current probation service, dividing it into retained public services and services ready for market providers to take on as going concerns. We will also move towards the new national structure for the public sector probation service. By taking this reorganisation forward in advance, we will minimise any risks of disruption to business as usual as market providers take over delivery of services.

Phase Three – to autumn 2014

- From summer 2014 our new public probation service and going concerns to be taken on by market providers will continue live operation.
- We will complete the final stages of our competition to select lead providers. The results of competitions will be put through final approvals, outcomes will be announced and contracts will be signed by autumn 2014.

Phase Four – into live operation

- From autumn 2014 services will be delivered under new contracts, by the successful bidders who will take over going concerns. Cohorts of offenders will be built up to be assessed against 'payment by results' payment metrics.

Annex A: Resettlement Services from Prison

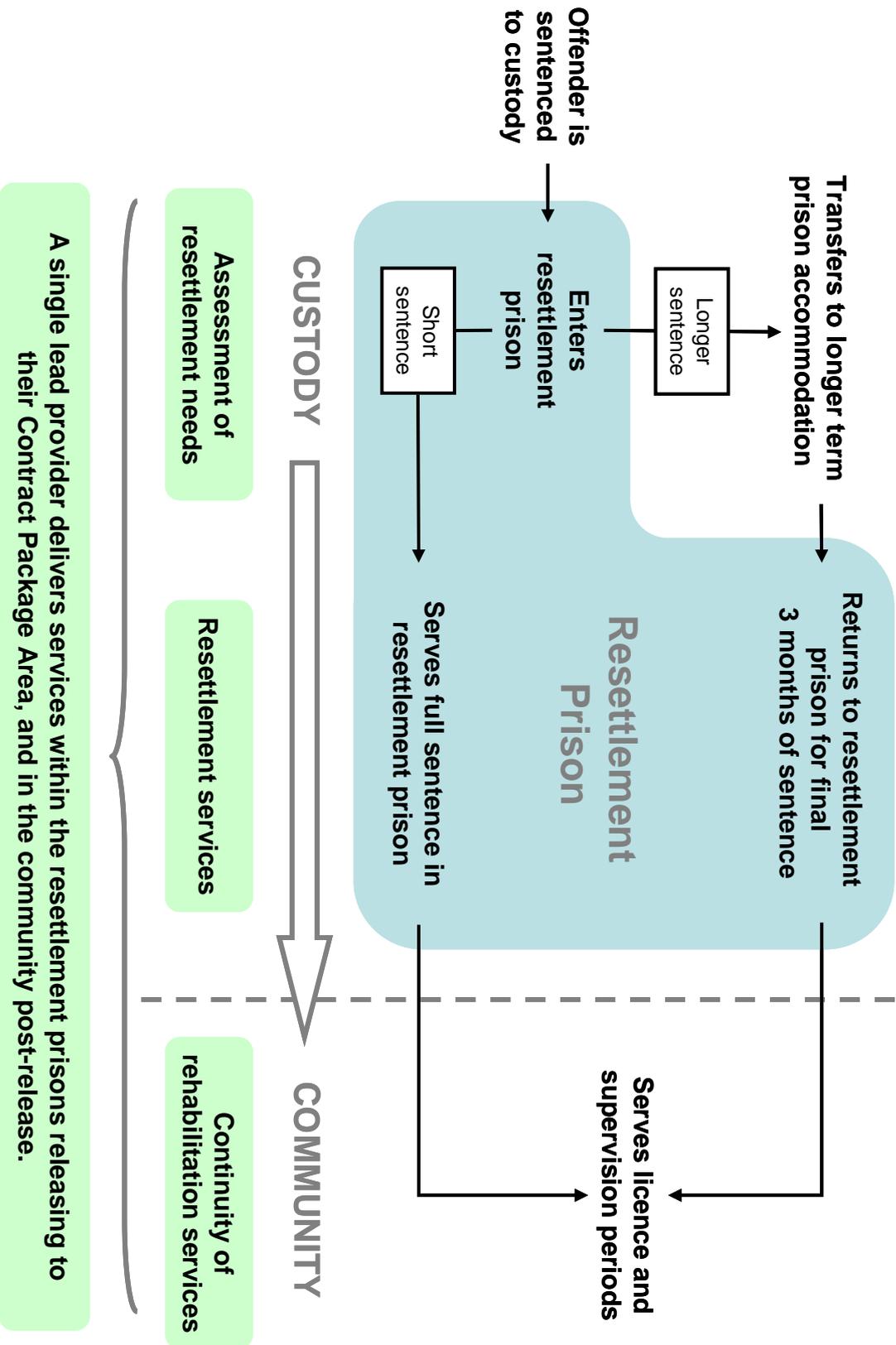
In order to facilitate the delivery of rehabilitation services, we plan to make changes to the prison estate to better align with contract package areas. This will support the resettlement of offenders from custody back into the community by ensuring that one provider can deliver a continuous package of support.

The diagram overleaf demonstrates the offender journey and the role which 'resettlement prisons' will play in the rehabilitation of offenders.

Resettlement Prisons Diagram

- All offenders entering custody will be received into one of the designated resettlement prisons. The contracted provider will conduct an assessment of the resettlement needs of offenders due for release from a resettlement prison.
- The vast majority of all adult male prisoners will be released from one of their home area's resettlement prisons having spent a minimum of three months there prior to release.
- Offenders serving short sentences will, in most cases, remain in one of their contract package area's resettlement prisons for the duration of their sentence. Contracted providers will use the assessment of resettlement needs to engage with them both in custody and then upon release into their home area.
- Offenders serving longer sentences are likely to be transferred to longer term prison accommodation until they are approaching the final three months of their time in custody when they will be returned to one of their home area's designated resettlement prisons. Back in a resettlement prison, contracted providers responsible for resettlement in the home contract package area, will again engage with these offenders continuing to provide services through release into the community.

'Through the Gate' service delivery Model



Annex B: Offender Management System

As set out in this document, both the public sector probation service and the contracted providers will have responsibilities in managing offenders under our reforms. This annex includes diagrams giving an overview of how these responsibilities fit together.

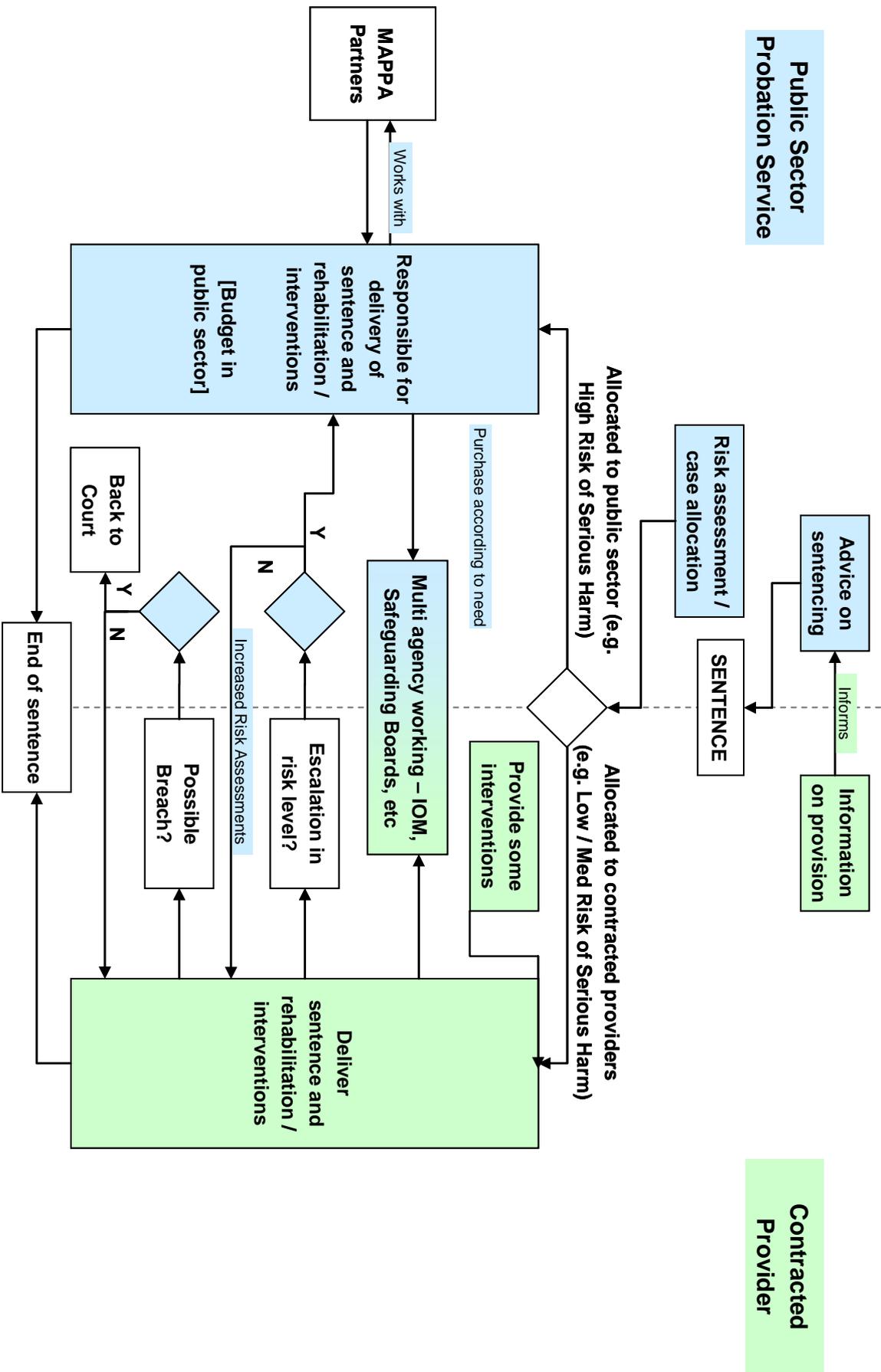
Offender Management Diagrams

On the following pages are diagrams showing how our model will work for offenders sentenced to a Community or Suspended Sentence Order, and how the model will work for offenders given a custodial sentence.

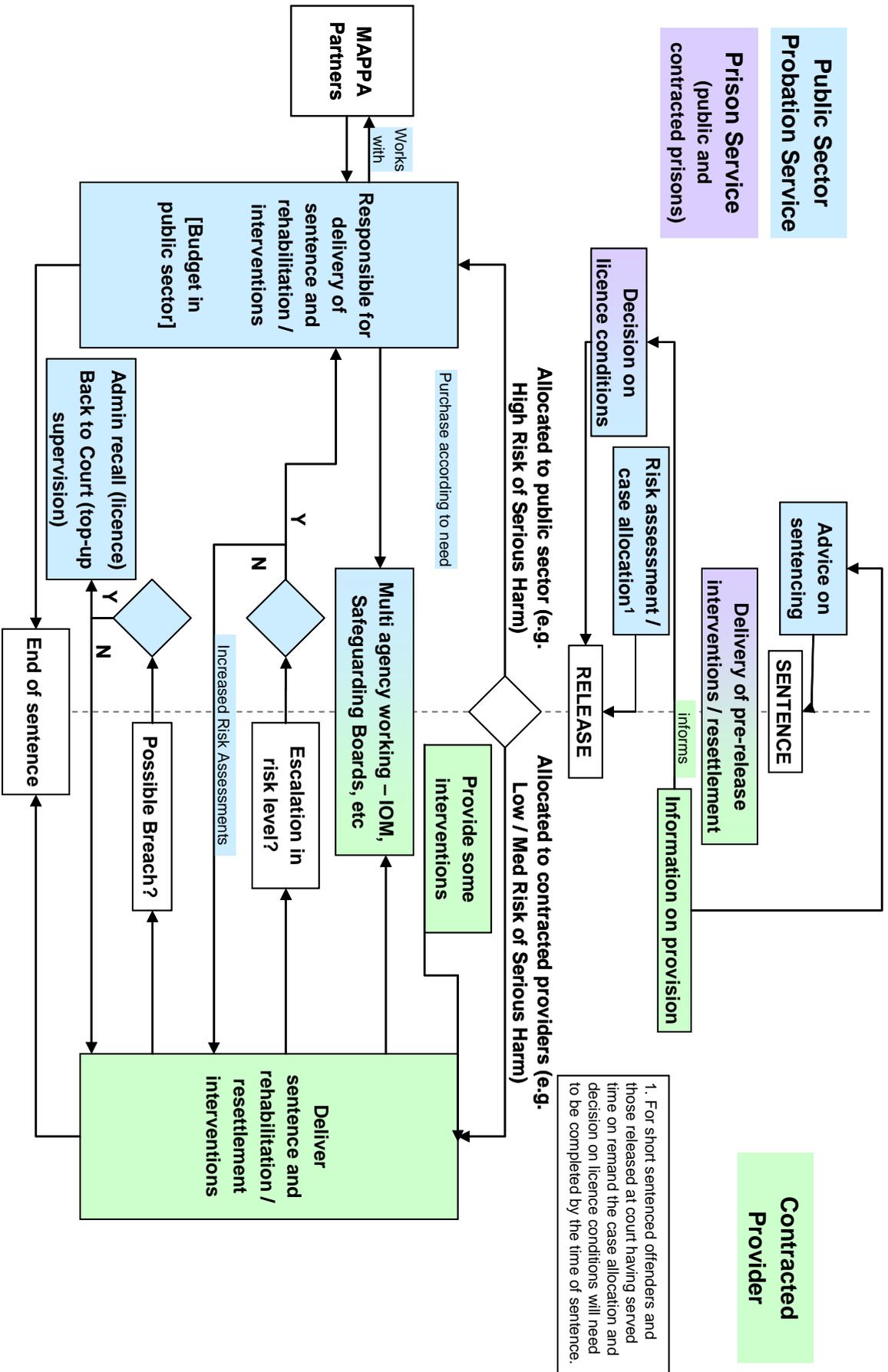
A more detailed description of the roles and responsibilities of contracted providers and the new public sector probation service are set out in Part 1 and Part 2 of this document.

- After an initial risk assessment of every offender by the new public sector probation service, those offenders assessed not to pose a high risk of serious harm will then be allocated a lead provider.
- Providers will have a contractual responsibility to refer cases to the public sector probation service when there has been a significant change in circumstances that might affect the assessment of risk of serious harm. Otherwise, where there has not been a change in the assessment of risk of serious harm, the market providers rather than the public sector probation service will interact with and manage these offenders day to day.
- The public sector probation service will manage the offenders requiring management under Multi Agency Public Protection Arrangements (MAPPA). The public sector will also manage those not subject to MAPPA but nevertheless assessed at the outset as posing a high risk of serious harm to the public and any cases transferred back to the public sector due to risk escalation.

Community Order Offender Management Model



Licence case process Offender Management Model



Annex C: Case for Change Analysis

This annex sets out some examples of our analysis of the problems we need to address through our *Transforming Rehabilitation* proposals. Our reforms are designed to stop offenders passing through the system again and again, creating more victims and damaging communities.

1: Reoffending Rates

Our strategy is designed to bring down reoffending rates which are currently too high, especially among short sentenced offenders. These reoffending rates are as follows:

Fig 1.1.1: Reoffending Rates

For adult offenders in the year to June 2011, the percentage that reoffended in 12 months was:²

- **58.2%** for prisoners released from under 12 months custody, with **17,318** re-offenders committing **83,370** further offences
- **35.0%** for prisoners released from 12 months custody or more (excluding public protection and life sentences), with **9,443** re-offenders committing **26,988** further offences
- **34.2%** for those starting a court order, with **49,162** re-offenders committing **157,620** further offences

In recent years, reoffending rates have barely changed, and the most recent figures show a rise. In 2000 the proven reoffending rate for all adult offenders (i.e. those cautioned, given a non-custodial sentence – including fines – or released from prison) was 26.2% and in 2010 was 25.3%.

The table below sets out reoffending rates for different groups of offenders from 2000 to 2011.

Fig 1.1.2: Reoffending 2000–2011

	2000	2002	2005	2010	Year to June 2011
Court Orders	37.9%	39.8%	36.2%	34.1%	34.2%
Custody (under 12 months)	54.3%	60.1%	57.0%	57.6%	58.2%
Custody (12 months or over, excl. IPP and life)	42.2%	41.7%	34.6%	35.9%	35.0%
All adult offenders³	26.2%	27.6%	24.9%	25.3%	25.5%

² Proven reoffending statistics quarterly publication, Ministry of Justice.

³ Proven reoffending statistics for all adult offenders include those cautioned, given a non-custodial sentence – including fines – or released from prison.

However, alongside these trends in reoffending, expenditure on Probation increased by over 70% between 1998–99 and 2010–11.

2: Impact of Reoffending

We know that reoffending has a personal cost for victims. Reoffending also has an economic impact on society in general, as the National Audit Office have found in recent research:

Fig 1.2.1 NAO research into impact of reoffending

The 2010 National Audit Office report, *Managing Offenders on Short Custodial Sentences*, estimated that in 2007/8:

- The total cost to the economy of crime committed by recent ex-prisoners was between **£9.5bn–£13bn**
- Of this, the cost of crime committed by offenders released from short prison sentences was around **£7bn–£10bn a year**

3: Repeat Offending and Offender Needs

There is a problem with offenders cycling through the justice system repeatedly, showing a variety of needs but without providers having the ability to address these. Those on a short term prison sentence (under 12 months) are only in prison for on average 9 weeks, which is a very short a time in which to address their problems.

We know that many convicted offenders have previously been sentenced to custody or community sentences.

Fig 1.3.1: Previous offending

Based on 2011 data:

Of offenders given immediate custodial sentences:

- 68% have already received a custodial sentence before.
- 48% have already received 3 or more custodial sentences.

Of offenders given community sentences:

- 64% have already received a community sentence before.
- 37% have already received 3 or more community sentences.

For the year ending June 2012:

Of offenders given immediate custodial sentences:

- 76% have already received a community sentence before
- 53% have already received 3 or more community sentences

In addition, recently published statistics have shown that offenders who had previously been jailed for at least a year were responsible for 208,699 offences in the 12 months up to last September⁴ including:

- 35,000 violent crimes;
- 66,000 burglaries, robberies and thefts; and
- 6,600 sexual offences.

Offenders have a variety of social problems such as low qualifications, lack of employment, accommodation and drug and alcohol issues and these factors are related to re-offending:

Fig 1.3.2: Results from Surveying Prisoners Crime Reduction Survey

The Surveying Prisoners Crime Reduction Survey⁵ found that prisoners had fewer qualifications, were less likely to have worked in the past twelve months and were more likely to be homeless than the general population. Rates of illegal drug use and hazardous drinking were higher than for offenders on community orders and the general population:

- Only about a third of prisoners reported being in paid employment in the four weeks before custody
- 13% of prisoners reported never having had a job
- 15% reported being homeless before custody
- 25% were estimated to be suffering from anxiety and depression.⁶

We know that these problems can continue on release from prison:

Fig 1.3.3: Research on Employment and Reoffending

- Two years after being released from prison in 2008, 15 per cent of offenders were in P45 employment.
- During the two year period overall, 29 per cent of offenders started P45 employment at some point.⁷
- Recent research looking at the impact of employment on re-offending⁸ suggests that offenders within the sample who had P45 employment at some point in the year following release from custody were significantly less likely to re-offend than similar offenders who did not have any P45 employment.

⁴ Further breakdowns of offences committed by offenders with a previous immediate custodial sentence Statistical Notice, 3 May 2013.

⁵ Results from the Surveying Prisoner Crime Reduction Survey, Ministry of Justice, 2012.

⁶ Results from the Surveying Prisoner Crime Reduction Survey, Ministry of Justice, 2012 – figures apply to adults serving between one month and four years.

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/162393/offending-employment-benefits-emerging-findings-1111.pdf.pdf

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/162375/impact-employment-reoffending.pdf.pdf

4: Spending on prisons and probation

We have been spending more on prisons and probation, without achieving reductions in reoffending. We intend to use funds more effectively, extending rehabilitation to more offenders and giving a diverse range of providers and front-line professionals responsibility to undertake activities based on evidence on what works to reduce reoffending.

Fig 1.4.1: Data on Prisons and Probation Spending

- MoJ currently spends £3bn a year on prisons, and almost £1bn a year on delivering sentences in the community, including £800m on probation.
- The total resource spending on prisons was £3bn in 2011/12, a real terms increase of just over a fifth since 1996/97.
- Probation spending increased by over 70% between 1998–99 and 2010–11⁹

⁹ Precise details concerning expenditure trends are complicated by Machinery of Government changes in this period, in particular when parts of the Home Office and the Department for Constitutional Affairs were combined to form the Ministry of Justice.

Annex D: Analysis around Transforming Rehabilitation Proposals

This annex sets out analysis relevant to the *Transforming Rehabilitation* proposals.

1: Extending supervision

Our proposals are about extending rehabilitation to those who need it so that providers can tackle offenders broader life management needs.

Offenders have a range of complex needs and there is evidence to suggest that an active 'offender centric' life management approach works.

We know that those on community orders or suspended sentences have a lower rate of reoffending than those on short prison sentences – even when we control for characteristics – suggesting that access to offender support can make a difference.

Published analysis shows that when differences are controlled for, there is up to an 8 percentage point difference in reoffending rates between those on community orders and those who received a short prison sentence – currently without statutory rehabilitation on release.¹⁰

Internal analysis suggests that when differences between certain types of offenders are controlled for, those subject to a supervision licence have lower reoffending rates than those released without support.

From previous competitions for Offender Management services, we have seen evidence of the potential to generate efficiency savings, which allows us to invest in support for short sentenced offenders and those who need it most. The private sector is driving savings within the CJS – we estimate we will save £25m on the Community Payback bill over the life of the contract in London after Serco took over delivery in October 2012. Our proposals will be affordable within the context of the MoJ commitment to deliver annual savings of over £2 billion by 2014/15 and forward into the next SR.

2: Offenders Managed by a Diverse Range of Providers

We want to bring in a diverse range of providers, incentivised by PbR, to deliver the majority of rehabilitative interventions, so that we are getting the best out of all sectors. We have produced early indicative estimates of the volumes of offenders starting with competed providers annually, and on their caseloads, and those who will be managed by the public sector. These estimates will be refined as we finalise the design of some detailed aspects of our model. We currently estimate that on an annual basis:

- Competed rehabilitation providers will manage 236,000 low and medium risk starts.

¹⁰ Compendium of Reoffending Statistics 2011.
<http://webarchive.nationalarchives.gov.uk/20130315183909/http://www.justice.gov.uk/statistics/reoffending/compendium-of-reoffending-statistics-and-analysis>

- The new public sector probation service will manage 31,000 offender starts, based on a group of offenders who are subject to MAPPA supervision, and those who are not MAPPA but have been assessed as posing a risk of serious harm.¹¹

Some of the assumptions underpinning these estimates, and an estimated breakdown by different offender groups, are set out in the tables below:

Fig 2.2.1: Community Orders and Suspended Sentence Orders cohort volumes

	High risk	Low and medium risk	All offenders
Starts	9,000	165,000	174,000
Caseload	8,000	98,000	106,000

The start volume of 174,000¹² is based on the number of Community Order (CO) or Suspended Sentence Order (SSO) starts in 2011/12. The total caseload, 106,000,¹³ is a snapshot of offenders with a CO or SSO managed by probation as at 31 March 2012.

The high risk cohort is defined as offenders falling under MAPPA¹⁴ typically those who have committed a sexual/violent offence, and offenders who do not fall under MAPPA but are assessed as high or very high risk of serious harm (RoSH).

The MAPPA flag in the case management data¹⁵ as at September 2012 has been used to estimate the percentage that will be managed by MAPPA. The RoSH assessment as at March 2012 has been used to estimate those who pose a high or very high risk of serious harm. The estimate of the number of high risk starts is based on this MAPPA and high risk of serious harm caseload. The same sentence duration has been assumed for both high risk and lower risk offenders. This caseload does not include the 53,000 offenders with standalone unpaid work requirements, who are all assumed to be lower risk.

¹¹ All start volumes are based on offenders starting a requirement, set of requirements or discharged from prison in 2011/12. Caseload volumes are a snapshot of offenders managed by Probation Trusts on 31st March 2012. These do not include offenders from the under 12 months cohort. Here, where there is an absence of case management data the caseload has been estimated by looking at the starts, average duration on licence and taking into account the estimated number of offenders expected to breach or reoffend.

¹² Unpublished data on court order starts.

¹³ National Offender Management Service (NOMS) – Unpublished PREview data 11/12 – Manage the Sentence for a Community Order or Suspended Sentence Order.

¹⁴ The Criminal Justice Act 2003 requires local criminal justice agencies working in partnership to make arrangements to assess and manage the risk posed by sexual and violent offenders in their area. These arrangements are known as MAPPA (Multi-Agency Public Protection Arrangements).

¹⁵ The case management data used in looking at the offenders in scope is from Probation Trust monthly Form 20 returns which show offenders subject to supervision on community orders, SSOs, or pre- or post-release from custody probation supervision during the month in question.

Fig 2.2.2: Under 12 months post release licence cohort volumes

	High risk	Low and medium risk	All offenders
Starts	8,000	45,000	53,000
Caseload	6,000	32,000	37,000

The estimated number of 53,000 under 12 months starts is based on 45,000¹⁶ under 12 months prison discharges (excluding 15–17 year olds) and includes an estimated 8,000¹⁷ offenders who served their sentence while on remand.

We estimate that of these there are approximately 8,000 high risk offender starts. In the absence of Probation Trust caseload data with MAPPA and RoSH information for this cohort, the estimate of 8,000 high risk starts is based on an analysis of the criminal histories of those sentenced to short sentences. Approximately 15 per cent of offenders sentenced to under 12 months had ever been convicted of a serious offence (as defined in our serious further offence reoffending statistics).¹⁸

Fig 2.2.3: 12 months and over post release licence cohort volumes

	High risk	Low and medium risk	All offenders
Starts	14,000	26,000	40,000
Caseload	17,000	21,000	38,000

The 40,000¹⁹ post release licence starts are based on 12 months and over (determinate and indeterminate) prison discharges for 2011/12 excluding 15–17 year olds. The total caseload 38,000²⁰ is a snapshot of offenders with a 12 month and over sentence on licence managed by probation as at 31 March 2012.

The high risk volume is based on offenders managed by MAPPA and offenders who are assessed as high risk of serious harm but who do not fall under MAPPA. Again, using the MAPPA flag in the case management data and the RoSH assessment we estimate that 17,000 offenders out of 38,000 for March 12 are high risk.

We use this figure to estimate the number of high risk starts assuming an estimated average of 14 months duration on licence for high risk offenders. Therefore, we estimate that 14,000 are high risk starts and 26,000 are lower risk starts.

¹⁶ Unpublished breakdown of prison discharges data published in Offender Management Statistics.

¹⁷ MoJ internal analysis has estimated 6,000–8,000 under 12 month offenders were sentenced to time on remand. For modelling purposes we have used the upper end of this estimate.

¹⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192407/proven-reoffending-definitions-measurement.pdf – Appendix A.

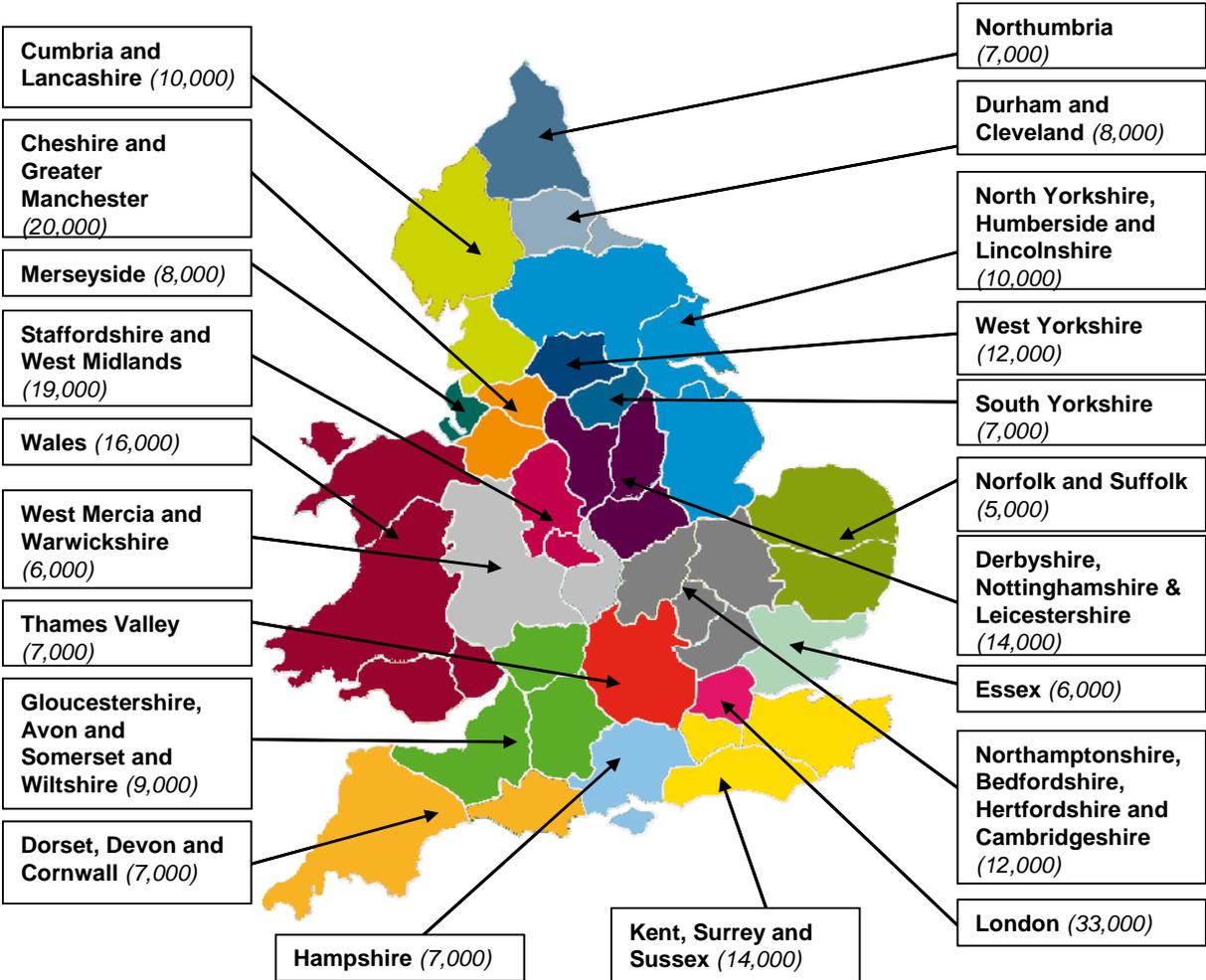
¹⁹ Unpublished breakdown of prison discharges data published in Offender Management Statistics (2011–12 data).

²⁰ National Offender Management Service (NOMS) – Unpublished PREview data 11/12 – Manage the Sentence Post Release from Custody excluding young offenders with an under 12 month sentence managed by probation based on Offender Management Statistics – prison discharges data.

3: Contract Package Area sizes

The variety of sizes of our intended contract package areas will allow a range of sizes of provider to be involved in service delivery. The potential sizes (estimated annual number of starts) shown below are our current best estimate, based on the methodology of identifying high risk of serious harm offenders set out above.

Fig 2.3.1: Contract Package Areas and estimated starts





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