

overview and scrutiny briefing note

Topic:	Transforming Rehabilitation – how can the newly established Probation Service in Nottingham mitigate the risks associated with its transformation
Requested by:	Overview and Scrutiny Panel
Submitted by:	Peter Moyes, Director CDP
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1.0 Introduction and Context

- 1.1 The Crime and Drugs Partnership (CDP) is the local Community Safety Partnership (CSP). The Crime and Disorder Act 1998 established CSPs, placing a statutory duty on public authorities (referred to as Responsible Authorities¹) to co-operate in order to formulate and implement a strategy for the reduction of crime, disorder and reoffending and for combating substance misuse in the area.
- 1.2 This is one of two reports before the Overview and Scrutiny Panel. The report by colleagues from the National Probation Service (NPS) and Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company (DLNR CRC) will provide more detail about present arrangements and service performance.
- 1.3 ‘Transforming Rehabilitation: A Strategy for Reform’² published in May 2013 set out how the rehabilitation of offenders will be transformed. As part of this process Nottinghamshire Probation Trust (NPT) was dissolved on 31st May 2014. On 1st June 2014 two new organisations became responsible for offender management;
 - a) NPS manages initial risk assessments, court work, high risk offenders, and specialist services such as Multi-Agency Public Protection Arrangements (MAPPA) and victim work. Nottinghamshire is part of the NPS Midlands region.
 - b) DLNR CRC³ provides services for medium and low risk offenders and interventions for all offenders, including Through the Gate. This work has been put out to the market and the Ministry of Justice (MoJ) intends to announce that contracts have been awarded by the end of 2014 with a view to contracts being signed by spring 2015 as outlined in appendix 1. Voluntary and community sector groups will be able to bid to be part of the supply chain as second and third tier providers of services.
- 1.4 There are a number of changes that the Transforming Rehabilitation (TR) process will make to the way in which offenders are rehabilitated and where changes to legislation were required, these have been addressed as part of the Offender Rehabilitation Act 2014.
- 1.5 One significant impact of TR still to be implemented is the requirement that all offenders who receive a custodial sentence of more than one day will be subject to licence on release. Currently release on licence automatically applies to young

¹ s5,s6 and s7 Crime and Disorder Act 1998

² [Transforming Rehabilitation: A Strategy for Reform](#)

³ There are 21 Contract Package Areas (CPAs) across England and Wales and within that there are 21 CRCs operating as going concerns that from 2015 will be run by contracted organisations.



offenders receiving a custodial sentence; however it only applies to adults sentenced to more than 12 months imprisonment. Offenders will be released from 'resettlement prisons' located in the geographical area where the offender lives. Locally for adult males this would be HMP Nottingham. This will enable access to the same provider of rehabilitative interventions in the prison and local community as part of the 'through the prison gate' approach. Whether the secure estate will be ready to implement this approach is not yet known.

2.0 Partnership working

- 2.1 There are a number of strategic and operational partnerships across Nottingham City to which NPT contributed. Prior to the new organisations coming into effect on 1st June 2014, partners were notified of the forthcoming changes and who would be representing NPS and DLNR CRC regarding future meetings and work streams.
- 2.2 The MoJ has set out arrangements⁴ for statutory partnerships such as CSPs, Multi-Agency Public Protection Arrangements (MAPPA), Safeguarding Children and Adults Boards, Youth Offending Teams and Victims. The NPS and DLNR CRC are identified as responsible authorities and therefore required to contribute as appropriate to these partnerships.

3.0 Nottingham City Council Context

- 3.1 Whilst the TR agenda has been in the public domain for some time, the controlled release of information has been tightly managed by the MoJ. Each CPA has an allocated Competition Support Manager from the MoJ who has liaised with local strategic partners and set up an advisory panel in that area of which there is representation from the CDP and Nottinghamshire Office of the Police and Crime Commissioner. The Panel have met with the MoJ to assist in shaping local elements of the service specification and will continue to liaise with the MoJ throughout the TR process. The Panel will be consulted about local performance and effectiveness particularly when new arrangements are in place. Nottingham City Council and other local partners will not have direct involvement in the tendering process and awarding of contracts.
- 3.2 The CDP represented the Council at a MoJ hosted Bidder Engagement Event on 28th February 2014 where potential bidders were invited to visit Nottinghamshire and hear from strategic partners about key plans and priorities. Presentations also addressed existing effective partnership arrangements and future development opportunities.
- 3.3 The CDP attended a Corporate Leadership Team meeting in December 2013 and Department Leadership Team meetings in February and March 2014 informing Council colleagues of the impending changes. Departments were encouraged to consider the impact of TR upon them and how this could be managed.

⁴ Ministry of Justice, [Statutory Partnerships and Responsibilities](#), November 2013



4.0 Risks arising from the TR process to Nottingham City and the Council

- 4.1 To date, concerns about risk have been mostly internal to NPS and DLNR CRC as these involved maintaining day to day operations, managing risk presented by offenders and contributing to statutory and voluntary partnerships whilst undertaking such a significant restructuring process.
- 4.2 The risks as they relate to or impact on Nottingham City Council are as follows;
- Future provider of services to low and medium risk offenders is unknown
 - Performance management arrangements are unclear
 - Impact of future changes to the way in which unpaid work is delivered
 - Increased demand for local services
 - Transition of young people from the Youth Offending Service to adult provision?
 - Readiness of the secure estate to deliver the 'through the prison gate' approach.
- 4.3 Until the MoJ announce who the local CRC contract has been awarded to, the council and other partners are unable to begin building a working relationship with the new provider. The business interests of this new provider and how the future operating model will change over time is unknown along with the potential impact on local service providers until second and third tier supply chains are formed.
- 4.5 Performance management information and exception reporting is considered as part of the county wide Reducing Reoffending Board (RRB) chaired by Peter Moyes, CDP Director. The RRB reports in to the Local Criminal Justice Board chaired by Chris Eyre, Chief Constable of Nottinghamshire Police. DLNR CRC consists of three counties each with a Police and Crime Plan and the NPS Midlands region contains nine Local Delivery Unit Clusters. The challenge will be about how to maintain focus on local issues affecting the city and its citizens when much broader structures are in place.
- 4.5 Nottingham City Council identifies projects and work opportunities which are performed by offenders as part of community payback⁵. A future provider may change how unpaid work is delivered and this may impact on the way in which projects are received by the City Council and citizens. Currently the Council receives approximately 165,000 hours of this service across a range of projects. These include; ground clearance, gardening and decorating at residential establishments and clearing up at community events such as Goose Fair. In order to provide a financial context and understanding of the extent of this free service, estimated costs of similar provision based on the living wage rate and which take into account on costs, supervision, transport and equipment are £360,000 - £400,000 per annum.
- 4.6 Following the implementation of licences for all serving more than one day in prison, estimates suggest that a further 1,100 adult male offenders will be released from HMP Nottingham on licence per year. This will place an increased demand on local services as offenders will be required to access these instead of possibly accessing these on a voluntary basis. These services provide routes out of offending such as

⁵ A court imposed requirement that an offender performs a number of hours of unpaid work as part of their sentence

accommodation, health and education, training and employment. This includes criminal justice substance misuse services of which there are uncertainties about financial settlements from partner agencies and the contractual arrangements post November 2014.

- 4.7 Young offenders when reaching 18 years transfer from the Youth Offending Team ((YOT) which is part of Nottingham City Council's Children and Families Department) to adult offender provision. Previously as part of a specific project between the YOT and NPT, young people were given additional support in order to manage the transition process effectively. This was undertaken by a specialist team within the Trust however this approach was disbanded as part of the restructuring process and staff were assigned to other teams across NPS and DNLR CRC. NPS still has its specialist team.
- 4.8 The extent to which the secure estate will be ready to implement the 'through the prison gate' approach is not yet clear. It requires the transfer of offenders to a nearby resettlement prison to serve the final three months of their sentence so that they can access locally provided rehabilitative services whilst in prison and on release thus providing timely and seamless intervention for the offender. The Governor of HMP Nottingham, recently informed the LCJB that the prison manages the reception of 500 new prisoners each month and 1,700 movements and that this makes it a particularly busy prison. He estimates that HMP Nottingham is currently 70% compliant with resettlement requirements.
- 4.9 In order for the 'through the prison gate' approach to be effective, the prison system needs to have the flexibility to transfer prisoners and requires each prison environment and staffing levels to be safe and stable enough for the rehabilitative services to be able to operate effectively in a secure setting. The local resettlement prisons for female offenders and young offenders (under 21) are out of county and therefore these groups are unlikely to experience the intended benefits of seamless rehabilitation services on their return to Nottingham.
- 4.9 The exact nature and extent of these risks outlined above are unknown at this stage and remains dependant on factors beyond the remit and control of the city council. However, there is a reputational risk to the image of the city should some or all of the risks and coupled with a possible increase in reoffending emerge over time.

5.0 Conclusion and recommendations

- 5.1 Providers to deliver new CRC contracts will be announced at the end of 2014 and following a period of mobilisation they will take responsibility for medium and low risk offender management from April 2015. The new provider will be obliged to contribute to statutory and non-statutory partnership working according to the service specification and bid submitted.
- 5.2 In the meantime, the CDP continues its work within the city and wider partnership. The NPS and DLNR CRC as responsible authorities also continue to contribute to partnership working so that the preferred provider has an established and evidence based foundation on which to proceed.

- 5.3 As outlined above, the prison service has a pivotal role in the TR process. Therefore the panel may wish to revisit this topic at a future date when it will be able to hear from the new provider of low and medium risk offender management services and the prison service.





Ministry of Justice

The MoJ received more than 80 bids to win regional rehabilitation contracts and lead the new era in a fight against reoffending.

There is strong competition in all regions with an average of 4 bidders for each area. More than half of the bidders include a charity, mutual or social enterprise.

Justice Secretary Chris Grayling said:

“This competition represents a real opportunity for us to introduce new ways of rehabilitating offenders, where charities with proven track records in housing ex-prisoners could be working in hand in hand with drug treatment providers and companies with expertise in getting offenders into work or training.

It’s really encouraging to see such a range of organisations coming together to bid for this work because only by taking a truly fresh approach will we be able to make a real dent in reoffending.”

The MoJ is expected to award contracts by the end of 2014. A limit has been put in place that will prevent any organisation from winning more than 25% of the total value of the competition, to ensure a diverse range of providers that will encourage quality and innovation.

For more information see the [press release](#) or visit the [Transforming Rehabilitation pages](#).

