

'Transforming Rehabilitation – A revolution in the way we manage offenders'

1. The Ministry of Justice issued a 32 page consultation paper under this title on 9 January, with a deadline for responses of 22 February. Pages 7-9, summarising the key arguments and proposals are attached as Appendix A.
2. Some general comments provided by Durham Tees Valley Probation Trust are attached as Appendix B, and some further notes on specific implications for Local Authorities are attached as Appendix C.
3. The style of the consultation follows the current fashion in Whitehall for asking a series of specific questions (there are 22 of these) on detailed aspects of the proposals, as opposed to the traditional style of issuing a Green or White Paper and inviting comments. The new approach has the effect of making it more difficult to offer a general critique of Government proposals.
4. The main thrust of these proposals is 'marketisation' of approximately 70% of offender management. The Consultation Paper states (page 16) "we are keen to see partnerships between VCS organisations, or private and VCS providers, coming forward to compete for contracts", which will be based, at least in part, on payment by results (PBR) mechanisms. It is understood that Probation Trusts will not be allowed to compete for these contracts. The contracts would be let nationally, and a structure of 16 contract packages is proposed (although details of these are not provided).
5. At first sight, these proposals represent a serious risk to the work of our Partnership and particularly to our very successful Offender Management (IOM) team, led by the Probation Trust and incorporating secondees from Police and Holme House.
6. There is no proposal for further pilot schemes and, indeed, the first results from the original experiment in Peterborough Prison will not be available until 2014.
7. The main theme of the consultation appears to be 'the system isn't working well enough, so we need to turn it upside down', but this is not accompanied by any serious comparative analysis of English and Welsh reoffending rates with those in other jurisdictions.
8. Debarring Probation Trusts from bidding would have the effect of removing quality (and price) controls from the market.

9. Some of these concerns were aired at a meeting with the Police & Crime Commissioner for Cleveland on 25 January, attended by Geoff Lee and me and our counterparts (Chairs of Community Safety Partnerships and Lead Officers) from Hartlepool and Redcar & Cleveland.
10. In the longer term, we will need to give some further thought to what action we may wish to take, if any, to influence the development of the market if these proposals are implemented. The Consultation Paper also states (pages 16/17) that “The Ministry of Justice and the Cabinet Office will work together to support leaders and staff in Probation Trusts in exploring the options and feasibility of participating in the design of appropriate partnerships and independent entities in advance of competitions. The Cabinet Office will design a package of support for those who wish to explore this option, including access to the Cabinet Office’s £10m Mutuals Support Programme. Public Sector organisations – for example, the police – may be able to engage directly in and be rewarded for the delivery of additional services, [provided we can mitigate any potential conflict of interest and ensure propriety in the use of public money”.
11. Recent history in respect of similar approaches is not reassuring. The suspected manipulation of payment by results mechanisms by A4E in Government contracts for getting people into work has been extensively reported and continues to be investigated. The notable failure of G4S in relation to security at the Olympics and Paralympics, leading to eleventh hour calls on the public sector (armed forces) is also well known. More locally, when G4S were competing for the UKBA’s contracts for asylum seeker support they made extensive assurances about how closely they would work in partnership with the public sector which have by no means been fully redeemed.
12. Colleagues in the Probation Trust are working on further analysis of the proposals and developing a response to the consultation, and I will be meeting Lucia Saiger-Burns on 18 February to discuss this response.
13. It is RECOMMENDED that the Partnership endorses the proposal to respond to the Consultation Paper reflecting the comments set out above and in Appendices B and C, and that the approval of the full response be delegated to the Chair of the Partnership, in order to meet the 22 February closing date, with the final response to be reported to the next meeting of the Partnership on 19 March.

Mike Batty

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