

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

London Councils represents all 32 London boroughs and the City of London. The Mayor's Office for Policing and Crime and the London Fire and Emergency Planning Authority are also in membership. London Councils is committed to fighting for more resources for London and getting the best possible deal for London's 33 councils. We develop policy, lobby government and others, and run a range of services designed to make life better for Londoners.

### Summary

London Councils welcomes the opportunity to respond to government's proposals in 'Transforming Rehabilitation – A revolution in the way we manage offenders'. Our submission:

- Emphasises the key role of local authorities in reducing re-offending;
- Highlights the value of local commissioning and devolving budgets, particularly in London where we have established partnership structures;
- Welcomes the emphasis on expanding rehabilitative services to offenders on short-term sentences;
- Cautions the need to manage risk in any new system and avoid any aspects of Payment by Results models that would provide a perverse incentive to "cherry pick" the offenders that they choose to work with.
- Emphasises the need to maintain local partnerships.

### Introduction

London Councils recognises that tackling re-offending is complex and involves the joint effort of public, voluntary and community sector organisations working together in an integrated way. As such we welcome the opportunity to comment on the government's proposals in 'Transforming Rehabilitation – A revolution in the way we manage offenders'.

Local authorities are key partners in preventing perpetrators from reoffending. They help tackle the root causes of offending such as drug and alcohol misuse, inter-generational worklessness, and mental illness. Local authorities are working in an integrated way with criminal justice agencies to look at how they can contribute to crime prevention and public safety by helping to reduce reoffending and better managing the risk of harm offenders pose. Local authorities also have a responsibility to their residents and businesses to ensure that their communities are safe and protected.

London boroughs are already working closely with their statutory partners to reduce re-offending in innovative ways. For example, the Integrated Offender Management (IOM) model has enabled local authorities to develop a joined up approach to working closely with local partners to tackle crime and reduce re-offending. London boroughs are key to reducing re-offending because they:

- Commission and provide services to offenders such as drug and alcohol treatment and recovery; support with mental health need; housing, housing benefit, social services; employment support. These local services are often crucial in providing offenders the support they need to desist their offending behaviour.
- Facilitate and participate in local partnership working between the police, probation services, local NHS services and other voluntary and community sector partners, to reduce reoffending particularly using the Integrated Offender Management model.

- Have experience of working with local delivery partners in the voluntary and social enterprise sector – their strengths, weaknesses and specialisms.

We have chosen not to use the standard questions to respond as we feel that some questions do not enable us to adequately reflect our opinion.

## Offenders on short term sentences

We strongly agree with the objective of reaching as many offenders as possible with rehabilitative services, and especially those most likely to re-offend. We therefore welcome the proposed extension of rehabilitation services to offenders on short term sentences (less than 12 months). We agree that the level of re-offending by prisoners with sentences under 12 months is far too high at 57.6%. This cohort has historically been neglected, with probation services not required to provide any statutory support or offender management to this group. Re-offending rates by prisoners on short term sentences costs the criminal justice system a disproportionate amount; it also has a significant effect on local communities and local perception of crime. However given the short amount of time that this cohort on average actually spends in prison we would strongly suggest that current “through the gate” services are insufficient – rather it is essential that tailored support is on offer at the earliest opportunity, possibly from the point of arrest (this takes place to a limited extent under the Drug Intervention Programme).

A good model could be for prioritised offenders to be provided with a key worker who would have responsibility for assessing their needs (e.g. literacy, employment support, drugs and alcohol, housing, mental health etc.) and then acting as a facilitator to broker access to these services. This would help simplify the process for offenders who often report that it is difficult to navigate and access support even when it is available. Our concern is that the current proposal to expand the number of providers will make it more difficult for offenders to access the necessary support, not easier.

## Managing Risk

Local government has a clear interest in ensuring the robustness of offender management systems in terms of public protection. It is important to us that our neighbourhoods are safe for the people that live and work in them.

The consultation proposes to put the majority of offender management out to competition to private / community/ voluntary sectors with public sector probation services directly managing those offenders who pose the highest risk of serious harm to the public, including Multi-Agency Public Protection Arrangements (MAPPA) cases. However we know that offender risk levels are not static. If the future model includes this fragmentation of offender management it is essential that robust plans are in place, as suggested in the consultation paper, to ensure appropriate handover of responsibility should a person’s risk of reoffending change.

Similarly we would like reassurance that Payment by Results models will not give a provider a perverse incentive to not report any increase in risk or “cherry pick” the offenders that they choose to work with.

## Contract Package Areas

London Councils strongly advocates the local commissioning of services. We believe that local relationships and knowledge leads to better commissioning of services. Ideally we would prefer that any changes to how probation services are delivered involve the devolution of budgets to local decision makers. In London this could work as collaboration between the Mayor and London local authorities. London already has established partnership structures, including the London Crime Reduction Board. This board provides a forum for the boroughs and the Mayor to agree a co-ordinated approach to crime reduction, local policing and community safety.

If the government continues with the national commissioning model proposed in the paper we would like assurance that there is a contract package area co-terminus with London's Police and Crime Commissioner (MOPAC) in order to ensure alignment of partner resources.<sup>1</sup> In addition to aligning with Police and Crime Commissioners the paper also suggests that the contract package areas will align with local authority areas. In London that involves 33 London boroughs. We would question whether a single lead provider working across London will be able to have meaningful engagement with this number of diverse local authorities.

We would strongly encourage government to work with London Councils and boroughs when commissioning a lead provider in London. We would also wish to see formal requirements for lead providers to involve local authorities and local probation services in any sub-contracting out of services in order to benefit from their wealth of experience and local knowledge.

## **The Role of Different Providers**

A key proposal within the consultation paper is to encourage greater involvement of the private and voluntary sectors in the rehabilitation of offenders. The intention is to cut re-offending and to improve outcomes and efficiency and that competition between providers will be used to drive efficiency, reform services and encourage innovation. Independent providers can and do play an important role in offender management. They offer a wealth of experience and specialist knowledge. The services are currently often commissioned locally using the wealth of knowledge at a local level of which providers have the biggest impact on offending levels.

We are concerned that the model of national commissioning with large contract package areas may have the opposite effect with a narrowing of the market of providers, with only large providers being able to compete for contracts. Our concern is the capacity that the small providers realistically have to come together in consortia to deliver within the proposed new system. We are also concerned that the payment by results model may squeeze out small providers of often niche support, thereby losing often excellent services from the market of providers.

If larger providers are chosen to deliver as lead we would also expect reassurance that safeguards will be put in place to prevent perverse incentives to 'cherry pick' the simplest of cases in order to achieve payment by results targets as this could lead to more difficult cases, which often require more specialist support, being parked. In order to avoid this we would suggest it is essential that any contract framework with lead providers include appropriate incentives for providers to take account of the diverse needs of offenders and look positively at sub-contracting to smaller / local specialist providers where necessary.

## **Maintaining Local Partnerships**

Effective offender management works on the principle of a range of public and independent sector partners being aligned and working together to provide a "wrap around" service for selected offenders. Through this process partners develop interventions using the multi-agency problem-solving approach and clear systems of management oversight for individual offenders based on respective agencies' primary roles and responsibilities. They will also have effective partnership working arrangements; this can mean in some cases co-location of partners and having partnership agreements and information sharing protocols in place.

Introducing new providers into offender management has the potential to affect these existing local partnerships, where local probation trusts currently play a key role. These are often partnerships that have taken years to build. In order for these local partnerships to be maintained, new providers will need to be able to integrate with existing partnership arrangements. For example effective data sharing protocols with new lead providers will be vital to ensure offender management data is shared in a timely manner with the local partners.

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<sup>1</sup> The current consultation does not currently provide detail as to the geographical boundaries of the proposed 16 contract package areas

Consideration should also be given to lead provider staff being co-located either within probation services teams or with police and other partners in shared premises to ensure the maximisation of resources, skill mix and partnership which will improve delivery of outcomes

We would also hope to see transparent shared risk and accountability through quarterly performance review meetings at a local authority level including the police, National Offender Management Service, probation, local authorities and any subcontractors. This will ensure shared accountability and problem solving and ensure that remedial actions are taken in a timely manner by all partners.

We would also strongly encourage good induction programmes to be put in place new providers that include existing key IOM partners to build professional relationships and understanding.

We would also welcome further thought on the implications of introducing new providers, who will be in line for payment by results into existing IOM partnerships. We know that success in tackling re-offending requires the joint efforts of a number of partners. There is, therefore, the potential for tension between statutory services who would be playing a key role in reducing re-offending within a challenging financial environment, and those contracted on a payment by results basis.