

Transforming Rehabilitation – A Revolution in the way we manage offenders
Belong London's response

Belong London is a crime reduction charity set up in 2010 to work with those offenders that have been the hardest to reach in London. We work with offenders who are at high risk of offending, high vulnerability and high risk of causing harm. Our services break down into three areas:

- Mentoring for young offenders
- Mentoring for adult offenders
- Restorative justice solutions

Our mentoring projects for adults support the government's integrated offender management programmes working with partners in the statutory and non statutory sectors to reduce re-offending.

At Belong London we believe that opening up the probation service to competition has the potential to positively impact reoffending rates, particularly if voluntary sector (VCS) organisations can become more involved in the provision of offender management services. The voluntary sector has an important role to play in the criminal justice system. VCS organisations within the criminal justice system are in a unique position to provide innovative, quality services cost effectively. Our invaluable experience and in-depth expertise related to rehabilitation work places us in an ideal position to successfully engage in the management of low risk through to the most prolific offenders.

Although we acknowledge that the use of a payment by results (PBR) approach in relation to offender management contracts could have potential benefits, we are also clear that there can be risks and pitfalls involved in some PBR models. We therefore recommend that the government put safeguards in place (please see below) to address these risks. We are particularly aware of the ways in which the use of certain PBR models could limit the involvement of VCS organisations in new contracts to provide offender management services. With this in mind, our response to the governments consultation focuses below on specific issues that must be tackled in order to ensure that the proposed offender management contracts are fully accessible to small and medium sized VCS organisations such as ours.

- ***Payments By Result (PBR)***

MP Chris Grayling stated in the consultation paper-

"Providers will in future only be paid in full when they reduce reconviction rates in their area". page 5

So that VCS organisations can significantly participate in offender management contracts we propose that only certain models of PBR are used in these contracts. For instance, **a fee for service model** would mean that the contractual payments dependent on success would not exceed 20-30% of each full contract value.

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Providers would be paid a proportion of the contract value normally for providing services. Remaining contractual payments would then be paid subject to certain outcomes being evidenced.

The PBR approach could also be effective if a **payment in stages model** is incorporated into contracts. In this model, instead of employing a 12 month timescale to assess a provider’s success rate, a 3 - 6 month check up period would be used and depending on the progress of each individual at this time a payment would be issued. The use of either of these PBR models in new offender management contracts would mean that small and medium organisations have sufficient cash flow to compete for and deliver such contracts.

It should also be highlighted that whilst the government has made it clear that a PBR approach will be used in new offender management contracts, VCS organisations that act as subcontractors may not need to operate under this approach to payment. According to the proposals, prime contractors will retain their freedom to pay subcontractors via quarterly fixed payments. We recommend that prime contractors are incentivised by the government to pay subcontractors on this basis. This would ensure that larger, prime contractors bear the bulk of the financial risk in offender managements contracts.

Another issue that deserves attention is the difficulty of using the PBR model to incentivise ‘through the gate’ provisions as many prisoners are dispersed to different parts of the country following release. We propose that the best way to deal with this in contract design would be to issue an upfront service fee to the agency working with the service user in prison. The full contractual payment could then be issued if and when particular results are evidenced, including a successful transition of the service user to his/her new agency following release.

- **Contract Design**

The government intention to have a combination of private and voluntary sector organisations working together to deliver some probation services is made clear in the consultation paper. *“We want to see a market model that supports a wide range of lead providers and partnerships which bring in the particular skills of local specialist organisations”*.

Certain safeguards should be adopted to ensure that this happens in practice. Firstly, there must be a requirement for local and VCS organisations to be involved as delivery partners in every bid proposal. Only bids that meet this requirement should be deemed successful.

Furthermore, if a provider lists a local or VCS partner organisation in the bidding process but for whatever reason at the delivery stage this partnership cannot go ahead, there should be a requirement for that organisation to be replaced with another local or VCS organisation. This will make it certain that local or VCS

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agencies have a significant involvement in the provision of offender management services. We also recommend that a representative from the voluntary sector sits on each bidding panel and plays an active role in the decision making process in relation to contract awards. This will enable proper scrutiny and evaluation of each bidder’s proposed arrangements to involve local and VCS organisations in the delivery of contracts.

- **Bureaucracy**

If the proposed system is to be accessible to small and medium VCS or local organisations, it is essential that bureaucracy related to service delivery and bidding processes is limited.

In relation to bidding processes we recommend that an approved body is set up to register all local and VCS organisations that have evidenced their proficiency to provide offender management services. Lead agencies bidding for contracts can then easily select from a pool of potential partners. This will no doubt save resources for both lead agencies and partners. It will also simplify bidding processes.

Dealing with complex data protection issues and information protocols as well as operating large database systems could be barriers for small and medium sized VCS or local organisations participating in large scale offender management contracts. Whilst respecting service user’s privacy is and should remain paramount, we suggest that provisions are made for information databases and data protection methods to be easily and inexpensively accessible to small and medium sized organisations.

- **Measures of Success**

“To ensure that the system is properly focused on reducing reoffending and deploying more effective interventions, providers will in future only be paid in full when they reduce reconviction rates in their area”- Chris Grayling, Consultation paper page 5

We recommend that the government gives careful attention to the measure of success used in PBR contracts. Rather than using a binary measure of success that looks purely at reconviction data, PBR contracts should focus on rewarding the achievement of softer outcomes, for example, the extent to which services enable an offender to access employment, sustain housing and build positive relationships. These factors are key to long term desistance processes, as shown by evidence based research. They are proven to have a significant impact on an offender desisting from a life of crime post incarceration.

In addition it is key to note that reconviction data can paint a highly inaccurate picture of an individual's actual reoffending and therefore an organisations success. For

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instance, in London during 2012 only 20% of recorded crimes led to convictions. A significant number of offences are therefore not included in reconviction data. Focusing on measuring softer outcomes, the achievement of which is much easier to monitor accurately, would provide more realistic information about an agencies success in managing offenders.

We support the government's overall proposal to reform the deliver of offender management services. However, unless the factors listed above are considered, the potential for these reforms to decrease reoffending rates are slim.

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