

Transforming Rehabilitation

POPS Response



POPS are based in Manchester and work with the families of offenders, providing advice and support from their earliest contact with the Criminal Justice System through to the point of release and beyond. In doing so, POPS acknowledges the potential of the family unit, as often the only consistent presence in an offender's life, to have significant influence on an offender's future direction and the success or failure of resettlement and reintegration efforts. POPS have also recently expanded our work to establish a catering social enterprise, 2nd Chance, which provides placements and training opportunities for offenders on license in the community and for those on community orders.

Reviewing the Revolution

Competing services in the community

Despite widespread recognition of the importance of offenders' families in reducing reoffending there remains little reference to their potential role within the transforming rehabilitation agenda. Offenders' do not live in a vacuum. Charging a provider to deal with an offender's 'broader life management issues' skirts the context in which an individual exists. The roles of housing, employment, mental health and substance misuse are all acknowledged in the wider picture of an individual's rehabilitation but not the social fabric that might be crucial to support these factors. It seems obvious to state that an offender's housing situation may be less dire if relationships with their family can be strengthened and supported. It is essential if transformation is to be achieved in rehabilitation services that commissioning takes into account the role of the family.

All interventions, orders and sentence requirements are time limited. Family relationships and support on the other hand can be unlimited in scope. Providers may be able to bring down reoffending in the short-medium term but if we are to see the 5 year reoffending rate fall we need to bolster the long-term support available to the offender. Whilst we must acknowledge that not every offender engaging with rehabilitative services in the community has immediate family, the majority do. By ignoring the potential role of the family this paper also neglects the opportunity to link these proposals to the 'troubled families' agenda.

There also seems to be little reference within the consultation paper as to how the quality of community order and license requirements will be assessed. Whilst we welcome the greater discretion that will be afforded providers in their service delivery this cannot be at the cost of quality. Markers of performance will undoubtedly be linked to reductions in reoffending. Outcomes driven commissioning is preferable to the current model but not without some measure of quality to guide delivery in the interim.

These reforms will also lead to a significant shift in the relationship between the voluntary sector and their service users, with providers assuming responsibility for breaching offenders who do not comply with their orders. This has not been addressed within the consultation but requires further consideration by voluntary sector agencies tendering to deliver such services.

We would also welcome reassurance from the government that the resources are available to process the increase in vetting and barring applications necessary for voluntary and community sector providers to work within prisons as part of 'through the gate' interventions.

Providers who tackle the causes of offending

It is heartening to see the government acknowledge the importance of preserving effective interventions provided by medium and small-sized enterprises and the VCS. However there is a need for

market stimulation in order for community organisations, such as POPS, to pick up delivery elements of community support for offenders or to engage with larger providers in partnership or sub-contracting arrangements. Capacity-building is mentioned but the funds appear limited in scope and may not deliver sufficient local investment to effectively support the engagement of the VCS in a payment by results model.

In addition consideration should be given to how organisations, whose contribution to reducing reoffending might be considered indirect, are recognised within a payment by results model. This is the case for organisations like POPS whose main focus is on offenders' families. The support of a stable and positive family has been proven to reduce reoffending, however demonstrating this as part of a payment by results model is difficult. How might organisations such as ours be attributed and 'rewarded' for our contribution? The consultation paper mentions the government's eagerness to encourage providers to engage with local specialist VCS organisations. As a local provider with specialist knowledge we would welcome further clarification as to whether this sentiment will be integral to the commissioning process and how prospective providers approach to inclusion and partnerships might be assessed.

We are pleased to see the consultation acknowledge the specific needs of female offenders specifically but the document makes no mentions of how the proposals might affect other minority groups, specifically those from BME backgrounds.

Extending rehabilitative provision to more offenders

We are in full support of extending rehabilitation provision to offenders released from short custodial sentences. It seems remiss that the group with highest reoffending rate has for so long received so little attention. It is essential however that such support aligns with our earlier comments regarding the role of the family and the necessity to consider the needs of both the offender and their family. The consultation paper makes reference to 'through the gate' care, including mentors who meet prisoners upon their release to help them resettle into the community. Where stable and supportive families exist we should surely be encouraging them to fulfil this role rather than focusing on the offender as an individual. Family ties can provide the strongest links to local communities and should be invested in to mitigate against reoffending in line with desistance theory (also notably lacking). Investment in families may also pay dividends in reducing costs in the short-term by reducing dependence on the mentor model.

The role of the family is especially important when considering the geographical areas that will form the contract package areas and the potential movement of offenders between regions on their release from prison. Families, keen to support the resettlement of an offender, may face more barriers as a result of the proposed system if their needs are not considered by the organisations involved. Movement of the offender between providers must be underpinned by consistent family support services and effective communication.

Effective partnership working between providers and the public sector

The consultation paper acknowledges the need for a system which can manage the fluctuating levels of risk posed by offenders across numerous and varied service providers. This is a positive development. However the success of a scheme in which multiple private contributors liaise with the public probation service around risk will rely on effective and robust information sharing protocols which will need to be in place prior to commencement of the proposed service delivery model. The consultation paper also discusses the role of the Information Commissioner in this process and the development of IT systems to support information-sharing both of which are welcome developments. However there is little detail given within this consultation as to the operating requirements of the IT systems required to support the proposals. This is an area which requires further consideration and may also involve further investment to build the capacity of potential providers, particularly from within the VCS.

Additional Questions

Part B: Extending the Reform Programme

Question B1: *How can we maximise the results we get from our collective Government and public sector resources?*

To maximise results energies must be focused on breaking the cycle of reoffending and on reducing intergenerational offending. Early intervention is the key. A focus on tackling the root causes will yield higher returns. This will involve re-examining how we support and develop people as parents, the interventions available to serving prisoners to address their 'life-management skills' and the support offered to those released from prison and their families.

Question B2: *How can we use the reform of offender services in the community to enhance the broader range of social justice outcomes for individuals?*

The reform of offender services in the community provides a significant opportunity to marry up the punishment of offenders with the need to strengthen protective factors which will enhance social justice outcomes for individuals. This will involve identifying and addressing the individual needs of offenders, such as a lack of parenting skills or substance misuse. The sentences imposed by the courts should include a stronger emphasis on addressing these needs through the inclusion of compulsory elements such as learning or treatment. The compulsory inclusion of a punitive element in every community sentence discussed in the earlier consultation need not be overtly onerous if the crime is low-level. Rather by imposing a restriction on time or liberty you meet the punitive requirement of the law enabling the focus of the sentence to be on addressing causative factors.

Question B3: *Should any additional flexibility be built into the community sentencing framework to strengthen the rehabilitative impact of community orders, and the reintegration of offenders into society?*

It is essential that the role of the offenders' family is built into the community sentencing framework to strengthen the rehabilitative impact of community orders and the reintegration of offenders into society. The emphasis must be on encouraging probation trusts and other criminal justice agencies to engage with offenders' families as part of a community sentence or 'through-the-gate' resettlement plan. In doing so, these agencies will be able to identify any issues present in the offenders' family environment that may impact upon their reintegration and direct resources to address these needs. This may be through partnerships established with the voluntary and community sector or through internal mechanisms. By whatever means, strengthening the family unit that supports the offender will strengthen the protective factors that contribute to desistance.

Part C: System Specification Questions

Supply chain management

Question C7: *What steps should we take to ensure that lead providers manage and maintain a truly diverse supply chain in a fair, sustainable and transparent manner?*

In order to ensure sustainability and transparency the requirement to engage with a diverse supply chain must be written into the contracts agreed with lead providers. It should be part of the bidding process that lead providers are able to clearly demonstrate their commitment to engage with a variety of suppliers and how they will achieve this.

It is also important that lead providers demonstrate within the bidding process how they will limit the risk passed onto smaller providers. This is especially important when engaging with the voluntary and community sector. Any risk passed on must be fair and proportionate to the contribution made.

It is essential that the timescales involved in the tendering and procurement process are sufficient to allow lead providers adequate time to meet and form robust relationships with potential sub-contractors. In addition the capacity building action plan currently being compiled by 3SC should include actions pertaining to how smaller VCS organisations will be supported in their communications and negotiations with lead providers.

Question C9: *How can we ensure that the voluntary and community sector is able to participate in the new system in a fair and meaningful way?*

By recognising that members of the voluntary and community sector are not uniform in size or nature. At the current time we do not believe that smaller organisations belonging to the VCS will be able to effectively engage with the transforming rehabilitation agenda and other elements such as payment by results. The current system and the proposed changes do not provide a level playing field and this must first be addressed before the voluntary sector as a whole can participate in the new system. Unless this is addressed, and imminently, the local expertise, which has been so often emphasised as essential, will be lost as smaller charities which reflect local communities are left unable to participate.

Legislative changes

Question C10: *How can we best use statutory supervision on release from custody to ensure that offenders engage with rehabilitation effectively?*

There must be a movement away from supervising purely according to risk to supervision based on the ability of the individual to desist and recognition of the factors surrounding the offender that will support desistance. This should begin with identifying the family and community support which surrounds the individual and how this might contribute towards an offender's effective resettlement.

Question C11: *How can we ensure consequences for non-compliance are effective, without building in significant additional cost?*

The most important step in ensuring effectiveness is to make sure the response to non-compliance is appropriate and proportionate. There is currently little flexibility in the system to examine why a breach has occurred before it is referred back to the courts. Any flexibility that the system had was removed by the implementation of National Standards. Measures dealing with non-compliance must move away from a 'tick-box' based exercise to a more responsive system which engages the community surrounding the individual. Community leaders and mentors as well as family members could be engaged as part of the supervision process at no cost and with numerous potential benefits.

System design

Question C14: *Police and Crime Commissioners will play an integral role in our reforms. How best can we maximise their input/involvement and that of other key partners locally?*

It is essential that if Police and Crime Commissioners are to play an integral role in the reforms proposed, local Police and Crime plans are aligned to the Transforming Rehabilitation agenda, which is currently not the case. PCC's should consider the voluntary and community sector within their areas and ensure that they are supported to develop their capacity to deliver against the policing as well as crime priorities.

Equality implications

Question C17: *How can we use this new commissioning model, including payment by results, to ensure better outcomes for female offenders and others with complex needs or protected characteristics?*

POPS has long been a proponent for the needs of BME communities. We are disappointed to see little reference to BME specific interventions within the consultation. Whilst we understand that the Ministry of Justice is attempting to be less prescriptive in these reforms our concern is that the unique issues

facing BME offenders will be overlooked as a result. We need to recognise that racism is still an issue for those within or at risk of entering the criminal justice system. The Ministry of Justice must take this opportunity to ensure that lead providers are able to demonstrate how they will address the needs of BME communities as well as others with complex needs or protected characteristics.

Proposals for Reform

Question C19: *Do you have any further comments on our proposals for Transforming Rehabilitation in this document*

Despite an indication that these reforms will 'transform' rehabilitation there is little within the proposals about the rehabilitative process itself and rather more on the mechanics of delivery. We would like to see an acknowledgement within the proposals that rehabilitation begins at the start of a sentence whether that be prison or community-based and recognition of the fundamental role in the rehabilitation process that can be played by the offender's family. Essential to this is the recognition that the rehabilitative work undertaken with offenders must be joined up across the custodial setting and community settings and not merely seen as part of a release programme. There is no mention within these reforms of the role of Release on Temporary License (ROTL) and how this could be utilised better to ensure mentoring and robust resettlement support is available yet we would expect that ROTL would play a key role in re-establishing offenders back into the community both in terms of their employment and housing as well as helping to re-establish family relationships. There is also no reference to the role of working prisons' and how employment opportunities for offenders will offer/include training, development and promotion opportunities.

For years POPS and many other organisations have championed the role of families in the rehabilitation of offenders. Stable and supportive families have been proven to reduce the risk of reoffending and families are central to desistance theory and yet they continue to be overlooked in government policy regarding offenders. Over the years awareness has grown around the complex and varied issues that drive offending and which can often be the stumbling blocks to effective rehabilitation, namely housing, employment, substance misuse and mental health issues. But there remains an insistence at a political level that offenders are somehow different from your average human being, existing in a vacuum where family relationships and friendships are no longer of any significance or influence.

Investing in both offenders AND their families consolidates resources in a targeted effort which should result in better long-term outcomes, not just for the offender but for their families as well. 'Intergenerational offending', for so long a criminal justice 'buzzword', has all but been forgotten in this rehabilitation agenda. Surely our aim in rehabilitating individuals must also be to set the course for future generations and in doing so double the impact on crime rates and social justice outcomes. To 'transform' rehabilitation we must look beyond the processes and the detail of delivery and remember the individuals whose future we are deliberating.

Mr Grayling has set out his vision for offenders to be met at prison gates by somebody who knows them and will help them with finding a job, benefits and any other issues they present. This is a description of what thousands of families do every day when an offender leaves prison. Will such families be acknowledged and supported in a similar way to the dedicated mentors in Chris Grayling's vision? Surely, it is beneficial to invest in an established offender support system and then to focus on providing mentors for those offenders who, for many reasons, do not have family or social connections.