

THOUGHT PIECE

'Thought Pieces' are papers which draw on the author's personal knowledge and experience to offer stimulating and thought provoking ideas relevant to the aims of the Journal. The ideas are located in an academic, research, and/or practice context and all papers are peer reviewed. Responses to them should be submitted to the Journal in the normal way.

MY REHABILITATION REVOLUTION

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I've spent a fair proportion of 2013 poring over the ever-changing details of Transforming Rehabilitation (<http://www.scoop.it/t/probation-review>). Like many others, I've questioned some of the core assumptions and worried about the challenges of implementing a system that has an in-built fault-line between the new National Probation Service and the proposed Community Rehabilitation Companies.

So, I thought it was about time that I took up the challenge posed to all critics of any system:

"So, what would you do?"

All three major parties (I'm afraid I'm not up to speed on UKIP plans for the probation service) have indicated that they are in favour of opening up rehabilitation services to competition. So I've set out a 10 year plan on how to reduce reoffending while opening up the market. My timescale is a lot less ambitious than TR's dash to be completed before the 2015 general election. Needless to say, my plan has made liberal use of many other people's ideas.

A long term process

There is no doubt in my mind that it's possible to substantially reduce reoffending rates. The key to this is to introduce innovation while building on the very real successes of the last 10 years. In my view, local commissioning is essential to preserve local partnerships,

particularly IOM (Integrated Offender Management) schemes developed painstakingly over many years.

Stage One: 2013/14

The first stage of my plan involves increasing the number of probation trusts from 35 to 42 so that they align with police force/Police and Crime Commissioner boundaries.

I would also use this first year to get NOMS to draw up PbR contracts for these 42 trusts with the outcome of reducing re-offending using the current MoJ measures which gives us a reasonable baseline against which to judge performance.

Stage Two: 2014/15 – 2018/19

The 42 probation trusts will operate under a PbR contract for a four-year period. Although performance will be measured against the re-offending targets, all payment will be made up front with no deferred payments based on results. However, there will be a sizeable incentive. The 21 best performing trusts at the end of 2017/18 will have their contracts renewed for a five-year period from April 2019.

This will enable them to invest in long-term strategies to further reduce reoffending – it will also enable them to contract with voluntary organisations on a long-term basis, bringing some much-needed stability to the third sector.

NOMS will be responsible for two major pieces of work during Stage Two:

Stewarding the market

NOMS will be required to involve key stakeholders from the public, private and voluntary sectors in an open and on-going exchange of views to design the framework for five-year PbR contracts starting in 2019. The framework will have two key objectives: promoting innovation and reducing re-offending rates.

Due consideration will be given to using the “accelerator” model of relating payments to harder to achieve targets as developed by Jane Mansour and Ian Mulheirn for the predecessor to the work programme¹ and also recommended by Policy Exchange in their recent paper². In simple terms, the accelerator model means that providers receive a larger payment for reducing the re-offending of a more persistent, prolific offender. NOMS will be expected to encourage a range of different models (including Restorative Justice) to be delivered by a variety of providers including public-private partnerships, voluntary sector led consortia, social enterprises and mutualised probation services.

This culture of learning and information exchange will be suspended from April 2018 in recognition of the fact that stakeholders will then be effectively in competition, but will be restored after the procurement process is complete. The purpose is to co-produce an effective commissioning model which promotes best practice, rewards innovation and discourages gaming.

¹ Mulheirn & Menne (2008) Flexible New Deal: Making it work. Social Market Foundation

² Policy Exchange (2013) Payment by Results: Strategic choices and recommendations

Rationalising the prison estate

NOMS will also be required to implement the resettlement prison initiative. The timescale will allow NOMS not just to announce the pairing of prisons with probation trust areas but to actually get it to work. I would set the target for the proportion of prisoners being based in their nominated resettlement prison for the three months prior to release at 60% for 2014/15, rising by 5% per year to 90% by 2020/21.

Although I've been critical of the calibre of Police and Crime Commissioners (who may have been re-elected in May 2016, depending on the results of the next general election), I'm a strong advocate of local commissioning of system-wide reducing re-offending work in both prisons and the community. Either PCCs or beefed up Criminal Justice Boards will be enabled to take the lead on local commissioning.

Legislation will also be passed to enable probation trusts to operate in a more business-like fashion. In particular, they will be allowed to borrow money, carry forward unused funds into subsequent financial years and to hold in reserve an amount that is capped at 20% of their annual income.

Stage Three: 2019/20 – 2023/24

PCCs/Criminal Justice Boards will commission end-to-end reducing re-offending services which will cover offenders in the community, in prison and on release, using the National PbR framework designed by NOMS to achieve outcomes which are set on the basis of local need.

Even at this point, the proportion of contract paid on a PbR basis will be relatively small in order to be fair to new providers entering the market in 2019. I envisage 4% PbR in Year One rising to 20% in Year Five. Providers will be required to reinvest at least half of their PbR payments into reducing reoffending services.

Again, in order to have a stable justice system which improves performance over time, the top 21 performing organisations (or all those who have reduced re-offending by three percentage points from the baseline at the start of the 5-year contract, whichever is the greater number) will have their contracts renewed in March 2023 for a further five-year period starting in April 2024.

Conclusion

Of course, this plan is politically naive and relies on a hard-to-imagine long-term cross-party alliance that focuses on effective justice policy instead of a competition to be seen as the toughest on crime. But my hope is that it would focus the whole sector on improving services rather than fighting over their share of the cake. In my view, there is some truth to the Justice Secretary's claim that a true partnership between public, private and voluntary sector providers could produce a step-change in reducing reoffending and promoting desistance.