



Bob Neil MP

Chairman, Justice Select Committee
House of Commons
London
SW1A 0AA

7 March 2017

Dear Bob,

Transforming Rehabilitation review

Thank you for your letter dated 6 February about your potential inquiry on the Transforming Rehabilitation reforms.

As you know we are conducting a comprehensive review of the probation system. This review is looking at all aspects of the system, including our contractual arrangements with Community Rehabilitation Companies (CRCs), the services delivered by both CRCs and the National Probation Service (NPS) and the performance and accountability mechanisms for probation. Although work is ongoing and discussions with providers are continuing, I am happy to provide an update to the Committee on the work of our review of the probation system. Once the review is concluded in April we will set out more detailed plans for community supervision and probation reform.

It is worth us recognising the scale of the Transforming Rehabilitation reforms. The probation system was fundamentally restructured in 2014-15, with 35 probation trusts replaced by 21 newly-created CRCs and the NPS. The caseload of offenders was split between these two sets of providers, and we also introduced through-the-prison-gate support for all released prisoners and post-release supervision for those serving custodial sentences of less than 12 months. This has been a period of significant change in probation, and many of the challenges the system now faces are a reflection that new arrangements are still bedding down. We will not have final reoffending outcomes for the first cohort of offenders to be managed by CRCs and the NPS until October, but we recognise that aspects of probation delivery are falling short of our ambitions. It is to tackle these problems, and to take stock more broadly of the implementation of the Transforming Rehabilitation reforms, that we are conducting a review.

As the Public Accounts Committee noted in its report on Transforming Rehabilitation, a key factor in the performance of the probation system has been the volume reductions which have had an impact on CRC revenue and their ability to transform their businesses. We are discussing with providers the steps we can take to provide them with greater certainty over their future income and to enable long-term planning and transformation of services. This element of the review includes examination of potential changes to the CRC contracts' payment mechanism. We are currently discussing proposals with CRCs but are confident

that we can bring greater financial stability to providers and provide a stronger foundation for improving system performance.

In addition we are discussing with providers how we can raise the quality of 'through-the-prison-gate' support. We recognise concerns identified by Her Majesty's Inspectorates of Prison and Probation in their thematic inspection of last year. We are currently exploring with providers how we can achieve more effective provision of resettlement support, in particular in relation to securing accommodation and employment for prisoners on release. This will complement our ambition for prisons to achieve better outcomes for offenders on release from custody.

Our review has also been considering the service levels which CRCs and the NPS are required to meet and against which performance is judged. We recognise that at present these are overly focused on process and output measures, rather than on quality and outcomes. As with prisons we want to create a simpler, clearer system with specific outcomes measures such as getting offenders off drugs and into apprenticeships and work. We are exploring options to introduce a greater focus on outcomes within our performance framework for probation.

At present we are conducting commercial discussions with CRCs on potential changes to their contracts, and conversations with the NPS on a new service level agreement. Some of these conversations are necessarily sensitive. I hope that we will be able to conclude these discussions and reach agreements with providers shortly, and once we have done so I will provide an update report to the Public Accounts Committee. I would be very happy also to share this update with the Justice Committee.

The Transforming Rehabilitation reforms were a significant first step towards a more effective probation system. As well as looking at our contractual arrangements with CRCs, we are also looking more broadly at how we supervise and rehabilitate offenders in the community. As the Secretary of State made clear in her recent speech on criminal justice reform, this work does not begin and end with prisons and probation.

We need to intervene earlier with offenders and tackle the problems which are driving them to commit crime. To do this we must make sure our courts have the tools they need to reform individuals, but interventions to tackle problems like drug addiction and mental health issues are not working as well as they should. According to a 2009/10 survey 29% of offenders on community orders reported having a mental health condition, yet in 2015 mental health treatment requirements accounted for fewer than 1% of all treatment commenced as part of a community sentence. We are working with the Department of Health to develop a new protocol which will ensure timely access to mental health services where the courts impose a mental health treatment requirement as part of a sentence. Each court will have support from a dedicated senior mental health professional who will oversee delivery of treatment requirements, and we will introduce new maximum waiting times for treatment from the date of sentence, alongside national standard waiting times for mental health and clinical assessment of risk.

We also need to create a justice system which responds to the particular needs of women, recognising that many have been victims of abuse. This requires better assessment of female offenders, a multi-agency approach to tackling their problems and effective community sentences which command the confidence of the courts. Probation services must play their part by providing gender-specific support and safe environments in which to tackle the causes of offending. We will set out our strategy for female offenders later this year and have already announced Sonia Crozier as the new director with responsibility for women in custody and the community.

This work builds on our prison safety and reform programme and complements our review of the probation system by considering how we can better identify the causes of an individual's offending and target interventions more effectively. By tackling offending in the community we can prevent individuals

ending up in prison while making our communities safer. To do this we must make sure there is sufficient consistency and quality of provision for offenders in the community. We must also develop a clearer framework for reforming offenders in the community. This should set out the outcomes that probation should be seeking to achieve and how providers will be robustly held to account. By doing this we can make sure that both prisons and probation, with the support of the courts and partners such as local authorities and health services, are not only protecting the public but reforming offenders and enabling them to make a positive contribution to society. We intend to set out further plans once our review of the probation system is complete.

I hope this response is helpful to the Committee's consideration of the Transforming Rehabilitation reforms. Should the Committee decide to conduct an inquiry it can be assured that the department will cooperate fully.

A handwritten signature in black ink, appearing to read 'Sam Gyimah', written in a cursive style.

SAM GYIMAH