

1. Introduction

- 1.1 This paper has been developed by the Employment Related Services Association (ERSA) in response to the Justice Committee inquiry on Transforming Rehabilitation, announced on 12 October 2017.
- 1.2 ERSA is the representative body for the employment support sector and, as such, this response restricts itself to questions relevant to the role that employment support plays in relation to rehabilitation. A significant number of ERSA's 260 members either provide prison education or through-the-gate support to those with an offending background, with a number also delivering Transforming Rehabilitation contracts either as prime contractors or in supply chains. Although ERSA does not seek to represent organisations' wider interests in the justice space it is concerned to ensure that employment support can play a strong role in effective rehabilitation. The response below therefore relates to a subset of the questions contained in the Inquiry's terms of reference.

2. Executive summary

- Employment outcomes are an important part of the rehabilitation agenda, but do not seem to be officially recognised or rewarded in Transforming Rehabilitation contracts.
- Other government decisions routinely have an impact on the work of Community Rehabilitation Companies (CRCs) which is not recognised until after implementation. Some of these decisions are national in nature, but some are taken locally.
- TR contracts were let predicated on day one referral to the Work Programme for those leaving prison. The Dame Sally Coates Review recommended that this be maintained in successor provision. However, the Department for Work and Pensions' new contracts have very little provision available for those leaving prison increasing costs to TR providers and their partners.
- Some vital aspects of the nations' skills system do not work for those in prison. In particular, providers would like to be able deliver apprenticeships within the prison estate. Employer support for this exists, but there is insufficient flexibility in the system to allow this to happen.
- Housing remains a major barrier to rehabilitation. In particular, decisions by local authorities to deem those leaving prison 'intentionally homeless' has increased the risk of homelessness for those served by CRCs.
- Effective rehabilitation requires effective interaction across sectors. The nature of payment by results contracts operating alongside other funding regimes however can cause tensions.
- There are means by which voluntary sector involvement with TR can be increased. Central to this however is supporting the sector to develop good quality data of the nature of their impact.
- TR is a major reform and with any major reform has needed time to bed down. As such, TR providers require support to ensure that they are able to deliver effectively and that lessons are learned about the most effective interventions across the sector.

3. Effectiveness of Government steps to address issues facing probation services

- 2.1 The points below are offered as general commentary in relation to contractual issues related to the TR contracts. However, individual TR providers will have specific issues in relation to each of these. General concerns however relate to the number of changes since contract conception, with a real concern that the current contractual targets do not sufficiently focus on the outcomes which support the rehabilitation of the offender.

As such, it is recommended that there is an overhaul of the current set of performance metrics and payment mechanism with payment for intermediate targets introduced (such as entering work or addiction management). This would not only incentivise progress which is known as being an important step towards reducing reoffending, but would also support supply chain partners.

- 2.2 Members have highlighted the importance of integrating services within the prison to achieve the shared outcomes of rehabilitation and reduced reoffending. Establishing joint performance measures is one way of ensuring prisons and probation are focussed on joint outcomes. Currently, an offender is assessed by various bodies which work in isolation to through-the-gate services. One member illustrated how joining up services inside the prison can both reduce duplication of services and significantly improve standards. It has also been highlighted that joint performance measures need to be flexible and allow for innovation.

3. Impact of other government departmental decisions

- 3.1 The success of Community Rehabilitation Companies (CRCs) is predicated on collaboration between sectors, including NHS, local authorities, housing providers, plus third sector provision. Providers of TR can only manage what is within their own control. ERSA members have significant experience of the impact of decisions in one government department having an unforeseen impact on the rehabilitation agenda. As has been widely recognised, successful rehabilitation needs an integrated response, with health, accommodation, skills and employment needs often needing to be addressed in tandem. In particular, there is a clear causal link between employment and reduced reoffending. A Ministry of Justice (MoJ) paper on the impact of employment on reoffending found that, in 2012, the reoffending rate of prison leavers with custodial convictions of less than a year was 9.4% lower if they found P45 employment on release. For those with sentences of over one year, it was 5.6% lower. Therefore the importance of working with the DWP and its programmes and policies is paramount.
- 3.2 In particular, the Committee is asked to note that the Transforming Rehabilitation contracts were let on the premise that there was Day One referral to the Work Programme (or its successor) in place for everyone leaving prison. Day One referral (which was introduced part way through the Work Programme) was not without some difficulties, particularly in relation to inflexibility of IT systems. However, it did guarantee employment support for every individual leaving prison. However, referrals to the Work Programme stopped in April 2017 and have not been replaced by referral pathways to new provision. This is despite the recommendations in the Dame Sally Coates Review that Day One referral should be replicated in new DWP provision; a recommendation which was accepted by the then Secretary of State for Justice (Michael Gove); and which was shared – via ERSA – with officials at the Department for Work and Pensions and the then Secretary of State (Stephen Crabbe).
- 3.3 The situation now is that offenders are a designated ‘early entry group’ under the Work and Health Programme. However, this programme is 75% smaller than its predecessors, only 12.5% of referrals are available for such early entry groups (which also includes ex care leavers, those who are homeless, ex HM Armed Forces Personnel, those with drug and alcohol dependency and care leavers) and thus it is highly unlikely there will be sufficient capacity within the system to support the numbers leaving the prison estate. The impact of this on TR provision is not yet known, but will inevitably increase costs for rehabilitation services.
- 3.4 A further example is the potential impact of Universal Credit wait times on those being released from prison; albeit the evidence of this is not yet clear. As is well known, individuals making a claim under Universal Credit must wait a minimum of six weeks until receiving their first payment.

This can be managed if the wait period is predictable. However, if it is much longer than anticipated due to IT issues, this risks individuals leaving prison without access to benefits for a significant period of time.

- 3.5 Providers recognise that addressing mental and physical health support needs is vital in supporting a person's journey away from offending. However, a significant number of members have reported a lack of access to substance misuse and mental health services, as well as a dilution in ring-fenced criminal justice health spending in some area. Although it is appreciated that the government is committed to increasing spending in the mental health arena this is not yet manifesting itself in an increase in support available locally.
- 3.6 Some aspects of the skills system also do not support rehabilitation. The government is currently focusing on an increase in apprenticeships as a means of upskilling the nation and increasing productivity. However, at present, it is very difficult, if not impossible, to deliver an apprenticeship to those in prison and heading towards release. ERSA has examples of members who deliver apprenticeships and who have strong relationships with businesses who would be willing to support individuals with an offending background through an apprenticeship, but the nature of the prison estate makes this difficult.
- 3.7 Access to safe and sustainable accommodation upon release is also essential in supporting effective rehabilitation. Members have suggested that the number of housing options, particularly supported accommodation, has decreased in recent years. Improved work with the Department for Communities and Local Government (CLG) could support a consistent approach to the housing needs of ex-offenders. In addition, it is worth the Committee noting that some local authorities are deeming those who have been in prison to have made themselves 'intentionally homeless' and thus are ineligible to join the council accommodation register for a number of years. The impact of this on those entering and leaving prison is often the loss of council accommodation and a move to private rented accommodation or even homelessness post release.
- 3.8 Finally, it is worth noting that there is a perception that the introduction of statutory rehabilitation for short-sentenced offenders has been met with little additional funding. This means some organisations, who have traditionally augmented probation services, have had to cut back on vital provision which in the past could have been utilised for those leaving prison and with an offending history. There should be in-programme reviews in order to resolve the funding uncertainty for through-the-gate services.

4. Improvement of through-the-gate provision and the involvement of the voluntary sector

- 4.1 Rehabilitation begins in prison and continues in the community. No probation service is able to deliver effectively to their client group without good strong partnerships with other local providers, be they public, private or voluntary sector. However, experienced providers have identified a series of issues that routinely must be addressed to ensure the best chance of reducing reoffenders. These include, but are not limited to:
 - Difficulties related to the maintenance of smooth through-the-gate support given the relocation of prisoners on release. This can break links with skills and training provision, the continuation and attainment of qualifications and any links with employers working with offenders both inside and outside prison.
 - Ensuring those in prison, plus those all those supporting them, are aware of the employment and training options for work on release.

- Skills and training support received in prison must be documented and passported on release. Responsibility for ensuring this important information is captured must be assigned where it is missing and enforced when it is in place.

- 4.2 There are already a significant number of third sector providers engaged with the TR agenda. Although this can always be increased, it should be acknowledged that wherever there is a payment by results contract in operation, this can cause tensions when interacting with provision funded by other means. The financial envelope of TR means that a sub-contracting relationship will not be possible in all cases and may not even be desired by some third sector providers. In addition, there is concern that payment by results contracts do not always engender innovation when margins are tight. As such, ERSA is in favour of a separate government fund to which third sector providers could bid to enable more innovative approaches to be tested.
- 4.3 It is also important that voluntary sector providers of rehabilitation and related services are able to evidence their impact effectively. There are a very high number of organisations operating in this space, often community based. Many are very effective; others may not be and it can be difficult for CRCs or indeed local commissioners to identify those who have the most measurable impact on rehabilitation outcomes. A positive step in this direction is the introduction of the Justice Datalab, developed by New Philanthropy Capital and funded and run by the Ministry of Justice, which allows providers of rehabilitation services to enter performance data, which is then matched in a way which gives providers evidence of the impact they are having on rehabilitation outcomes. However, knowledge of the Datalab is currently insufficiently high and ERSA therefore recommends that more is done to drive usage of the lab by rehabilitation providers. It should also be noted that ERSA and New Philanthropy Capital are in conversation with the Department for Work and Pensions about the development of a similar lab re employment outcomes. These conversations have not yet concluded.
- 4.4 Alongside greater use of the datalab, ERSA would also recommend a stronger focus by the Ministry on understanding and sharing evidence of the most successful interventions related to reducing reoffending. This exercise needs to routinely encompass supply chain partners and could usefully be shared with organisations working outside TR contracts. A relevant model might be the Andrew Sells' Review of the Work Programme which took place in 2014/15 and which made recommendations about how voluntary sector providers could be better plugged into future employment support provision.

5. Conclusion

- 5.1 It is clear that Community Rehabilitation Companies have made significant progress since their inception, but, as with all significant public sector reforms, contracts take time to bed down and for performance to build. As such, ERSA believes that providers need a period of stability and strong relationships with not only the Ministry of Justice, but across government, to ensure the best chance of success. At present there is clear evidence that other elements of government policy have not always been designed to translate into a prison or through-the-gate environment and CRCs are having to navigate a wide range of issues in ensuring that they are able to deliver for those in their care. ERSA also recommends that more could be done to recognise the importance of employment in the journey to rehabilitation and reducing reoffending and thus interaction with the Department for Work and Pensions policy agenda must be strengthened.
- 5.2 For more information contact policy@ersa.org.uk / 020 3757 9416.