

STRENGTHENING PROBATION, BUILDING CONFIDENCE: CONSULTATION RESPONSE FROM NEW PHILANTHROPY CAPITAL



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Grace Wyld, James Noble and Tom Collinge

About NPC

New Philanthropy Capital (NPC) is a think tank and consultancy for the charity sector, focused on helping charities and funders achieve the greatest impact. We aim to transform the charity sector by increasing the impact of charities, increasing the impact of funders, and strengthening the partnership between the two.

Our work includes supporting individual charities and funders, and exploring issues affecting the wider charity sector through our think tank. Our [State of the Sector](#) research programme considers current challenges and opportunities for the sector and touches on many issues relevant to this consultation.¹ Our work specifically in criminal justice is outlined [here](#).

About this submission

NPC exists to support social sector impact. Charities play a significant role in delivering impact in probation and in the wider justice sector. Our submission focuses on how amendments to probation systems could allow charities to achieve more impact, and answers only the questions relevant to the charity sector. Our response drawn on [our current research](#), our paper [Beyond Bars](#), and our previous work on probation: our [2013 response to the Transforming Rehabilitation \(TR\) consultation](#), and our paper on [the voluntary sectors involvement in the TR tendering process](#). We would be happy to discuss any aspect of this submission in more detail.

Key points:

- Charities add unique value, and our early analysis of Justice Data Lab results suggests that programmes delivered by charities could be twice as effective as largescale national government programmes.
- Most charities have been locked out of the supply chain but are supporting the work of Community Rehabilitation Companies (CRCs) regardless.
- Measure intermediate outcomes (i.e. increased stability of relationships, behaviour of children) and track engagement data as a proxy for desistance, and to learn what works. We encourage HMPPS to publish the toolkit developed by NPC, commissioned by the National Offender Management Service (NOMS), in 2012.
- Charities build trust with both offenders and prison officers and this takes time. Charities need longevity within the prison environment to see results.
- Rebuild trust with the charity sector, providing clarity and reassurance that the system is operating effectively, to avoid further reduction in independent funding injected into the criminal justice sector.

¹ See NPC's website: www.thinknpc.org/our-work/projects/state-of-the-sector

Consultation response

The value of the third sector in criminal justice

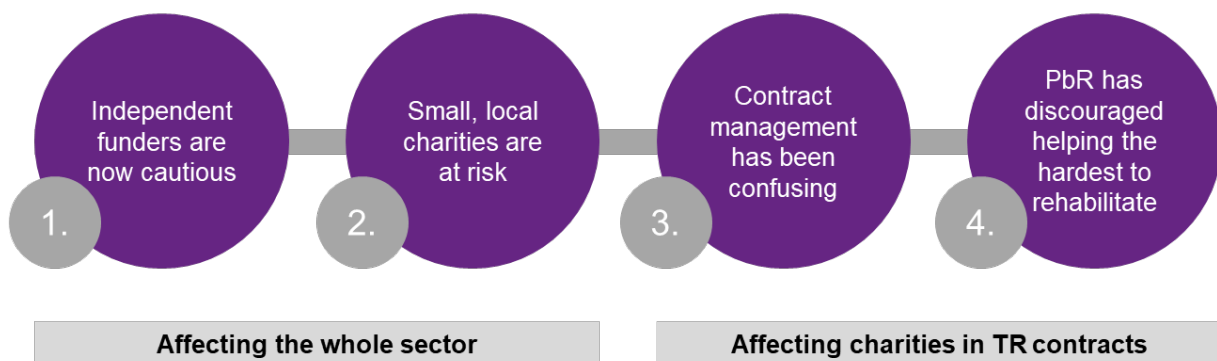
Charities make an important contribution to the criminal justice system. Their work is often local, long term and preventative in scope which enables them to build trust with those in and leaving the prison system. The unique nature of this work is made possible partly due to their independence from the state, the dedication of volunteers, their community links and ability to cross-cut different service user needs (addressing both criminogenic and non-criminogenic needs). And through all of this, charities listen to and amplify the voices of people involved in criminal justice: offenders, their families, victims and their communities. The sector varies significantly in size, aims, interventions, willingness to collaborate, quality and effectiveness.

While the data is by no means definitive yet, our early analysis from the Justice Data Lab indicates that programmes delivered by individual charities appear to be, on average, around twice as effective in reducing reoffending as largescale national government programmes.

Reflecting on how TR has affected the voluntary sector

In March 2017 we published Beyond Bars which examined the role of the voluntary sector in criminal justice. We identified four main issues with TR that were having a significant negative impact on the charity sector. Our consultation response builds on these findings.

Interviewees identified four main challenges posed to the voluntary sector by TR:



Charities have been shut out of TR supply chains but are still delivering impact

Question 13: How can probation providers effectively secure access to the range of rehabilitation services they require for offenders, and how can key local partners contribute to achieving this?

Question 14: How can we better engage voluntary sector providers in the design and delivery of rehabilitation and resettlement services for offenders in the community?

Many charities are continuing to deliver impact for people leaving the prison service without being paid as part of the supply chain, acting as an unofficial bridge between offenders—particularly those with complex vulnerabilities—and the CRCs. We have heard that many CRCs depend on the insights of smaller, grass roots organisations. These small organisations, who were never part of the contracting supply chain, play a role in maintaining a relative degree of stability in the criminal justice system. 51% of the charities whose main clients are

offenders, ex-offenders and their families are small, with an annual income of less than £150,000. 61% carry out their activities at county council level or smaller.² Their contribution to the landscape is often underappreciated.

Though the proposed change of creating 10 CRC regions could encourage better joined up multi-agency approaches if coterminous with other boundaries (such as Police and Crime Commissioner (PCC) regions) it could also have a detrimental impact on the involvement of smaller organisations. How these larger boundaries will involve smaller organisations needs thinking through to avoid worsening rather than improving the involvement of effective smaller organisations in probation and without adding to the already multiple layers of communication. In the words of one organisation delivering services as part of the CRC, 'where we used to have one conversation, we now have 15.'

Some larger charities and social businesses have found TR commissioning systems to work well. They are often in an advantageous position—having the capacity to manage these complex communications—whilst others are locked out. Whether a pure commissioning model is right for probation remains contentious for the voluntary sector, but if it is to remain largely unchanged, which the consultation document suggests, Ministry of Justice (MOJ) should consider more nuanced measurement mechanisms which include intermediate and engagement data, outlined below.

And if prison governors were more consistently given performance incentives to reduce reoffending, effective charities (regardless of their size) may be better embedded in through-the-gate services. It remains unclear how the governor autonomy agenda intersects with proposed changes to probation commissioning.

Measuring the impact of interventions

Question 17: What should our key measures of success be for probation providers, and how can we effectively encourage the right focus on those outcomes and on the quality of services?

NPC encourage MOJ and HM Prison and Probation Service (HMPPS) to make more concerted attempts to learn from the CRCs. By creating a 'black box' system, outcomes may have been measured, but with very little understanding of what it was about that intervention that worked. We participated in discussions to try and codify the different approaches being taken by the CRCs as a precursor of potential analysis, but as far as we know, this was never followed up.

Charities tell us that Payment by Results has made it harder for them to work with the hardest to rehabilitate, creating a risk averse culture where charities stick to tried and tested work. As a result, probation services are not fulfilling their potential to adequately address disproportionate negative outcomes for minority communities.³ We recommend new contracts assess the impact of probation services on intermediate outcomes as well as reduction in reoffending, particularly for short sentences. Such outcomes include increased stability of relationships, improved communication with family, improved parenting skills, and improved behaviour of children. These intermediate outcomes are taken from a measurement framework commissioned by NOMS in 2012, delivered by a consortium led by RAND Europe, including NPC. We developed a toolkit for providers to select appropriate scales to measure the impact of their work and encourage HMPPS to publish this work. Measuring probation providers against intermediate, short term outcomes will help to better understand what works in the long term.

² Centre for Social Justice (2013) *The new probation landscape: Why the voluntary sector matters if we are going to reduce reoffending*.

³ The Young Review (2014) *Improving outcomes for young black and/or Muslim men in the criminal justice system*, p.27

Commission charities based on engagement data

At NPC we encourage charities to think about five types of data to measure their services:

1. **User data** asks whether your service is effective at reaching the intended service users
2. **Engagement data** asks how effective your service is at continuing to engage with the target service users
3. **Feedback data** asks what people think of the service
4. **Outcome data** asks how people have been influenced by the service in the short term
5. **Impact data** asks whether the outcomes achieved helped people change their lives for the better

As a sector, we are faced with a window of opportunity to rethink how government commission the voluntary sector to work with offenders. Probation services are generally assessed based on their outcome data, asking whether the intervention has ultimately reduced reoffending. Charities person-centred ethos has 'significant points of synthesis with desistance theory.' (Martin et al. 2016: 32). However, it is generally understood that reconviction is a blunt measure of desistance (McNeil and Weaver 2010).

User and engagement data could be a possible proxy to measure how far someone has moved along the desistance pathway. Ongoing work at Manchester Metropolitan University is looking at different commissioning models which assume a unique added value of the charity sector based on evidence and encourage more of a focus on maximising reach and engagement.⁴

Building impactful cross sector relationships

Question 1: What steps could we take to improve the continuity of supervision throughout an offender's sentence?

Our current research focuses on what makes a strong and impactful partnership between charity and prison. As well as struggling to access probation contracts, charities have struggled in recent years to access service users in prison, largely due to prison staff shortages and rising violence. By demonstrating good practice in the sector we hope to encourage more effective approaches and partnerships from charities, their funders and prison governors. We are looking at features of strong relationships built between charities and prison officers, how these relationships are related to the specific characteristics of the prison's place and population, and what impact they can have when well established.

We have conducted hour long interviews with 24 charities delivering work both inside and outside the prison walls, and all of them have noted that to have an impact on an offender's life when they re-enter the community, it is crucial to have been able to build a trusting relationship over an extended period when in custody. All too often, charities delivering through-the-gate work are given access to their clients on the day of their release. To see longevity in relationships, organisations delivering probation must be enabled to build their relationships with the prison.

Looking beyond probation to the work charities do in prison, many are frustrated by an emphasis on short term contracts and innovation 'pilot culture.' We are finding that 'stickability' in the prison environment is important to a charities ability to have a significant impact. Prison officers have often seen multiple charities come in and out and lose confidence in their worth. It takes time to build trusting relationships, not just with prisoners, but with prison staff too.

⁴ The idea of Commissioning by Consensus is outlined in ["You can't always get what you want..." – or can you?: Engaging offenders – an alternative approach to commissioning voluntary sector criminal justice services.'](#)

Rebuild trust with the voluntary sector and their funders

One of the repercussions of TR is general distrust across the charity sector in government rhetoric. Many now believe they will never receive meaningful support from the state and have refocused their efforts on other sources of funding. This in turn is adding pressure to grant making trusts and foundations who are also losing faith in government rhetoric, which they see as rarely backed up by a sustainable financial plan to support charities.

Independent funding from grant making trusts, foundations and philanthropists does not only add to the sectors resources, but gives charities the room to innovate, learn and improve. The sector appeals to funders on both an emotional and economic level, and at all points on the political spectrum. Funders are also aware of how difficult public fundraising is for criminal justice charities. But many are sceptical about their ability to have an impact, concerned that they are propping up the work of the state and subsidising private contracts. To encourage independent funders to invest their resources into criminal justice they need to be reassured that the system is operating effectively, and that their funding will not simply be subsumed into government contracts that do not cover the full cost of delivery.

We believe, backed up by a wealth of evidence, that the charity sector is part of the answer to reforming the prison and probation system, but it is not being put to its full potential. Charities need supporting and marshalling, or else we are at risk of losing an incredibly valuable resource to society. It cannot be taken for granted that charities and their volunteers will always be there to pick up the slack.

NPC's work in the criminal justice and commissioning areas

Unlocking Offending Data: How access to offending data could help charities improve outcomes for offenders (2012)

In partnership with the Oak Foundation, NPC called on the Ministry of Justice to create a Justice Data Lab to improve access to data on reoffending. Many charities provide offenders with the right support to reduce their chances of reoffending, but all too often they struggle to access data on reoffending for the people they work with. An accessible, transparent and sustainable Data Lab will help government, commissioners, charities and social enterprises understand and prove their impact.

National Offender Management Services: Developing measures of the effectiveness of rehabilitation services (2012)

NPC, in collaboration with ICPR (Institute for Criminal Policy Research), is part of a consortium of partners commissioned by NOMS (the National Offender Management Service) to develop a toolkit for measuring the effectiveness of interventions to reduce reoffending. The toolkit will help providers to measure 'intermediate' outcomes concerning family relationships and peer relationships. The consortium also includes Action for Prisoners' Families, Safe Ground, Ormiston Children and Families Trust, and St Giles Trust.

When the going gets tough: Charities' experiences of public service commissioning (2012)

In 2012, NPC partnered with the third sector insurer Zurich to survey the top 750 charities about their experiences of commissioning. We aimed to find out what's working well when it comes to government funding of the sector, and to highlight good practice and identify challenges. The survey focussed on three areas: new types of contracts, such as payment by results; new delivery models, e.g., being subcontracted by another organisation to deliver contracts or working as part of a consortium; and how charities are coping with cuts to government income.

Indigo Trust: Measuring together: Improving prisoners' family ties (2011)

Family can make all the difference to prisoners' rehabilitation, but measuring their impact is difficult—outcomes are largely intangible and the criminal justice system complex. Partnering with the Indigo Trust, NPC worked with a group of experts and charities to build and pilot visitor experience and family relationships questionnaires to help develop a framework for more standardised measurement in the sector.

Beyond Bars: Maximising the voluntary sector's contribution in criminal justice (2017)

In this piece we outline our findings from research into the role of charities in the criminal justice sector. We found that charities make a unique contribution in this space but face various challenges to achieving their potential. After exploring these challenges, we make suggestions for how funders, commissioners and government, and charities themselves can work to overcome these issues and maximise the voluntary sector's value-add.

Understanding women's pathways through the criminal justice system (2018)

More than 13,500 women are imprisoned in the UK every year. The reasons why are complex, but they must be understood if these numbers are to be reduced. This research was commissioned by the J Leon Philanthropy Council to gain a better understanding of women's pathways into and through the criminal justice system.