Tracking the voluntary sector’s experience of the probation reform programme - the commissioning of day one services

New report launched from Clinks.

https://doi.org/10.54006/IFWH9603
Clinks has launched a report looking at the voluntary sector’s experience of the probation reform programme during the commissioning of day one services. The report draws on evidence gathered from a survey of 241 voluntary organisations and semi-structured interviews with eight organisations between May and July 2021. The research was conducted by Clinks with support from research partners at the Centre for Regional Economic and Social Research at Sheffield Hallam University, the University of Wolverhampton, and the Institute for Voluntary Action Research. The findings aim to inform future commissioning processes, including the commissioning of voluntary sector organisations in public service delivery more broadly.

A commitment to the role of the voluntary sector

When announcing details of the upcoming probation reforms in the summer of 2020, the government reaffirmed its commitment to - and recognition of - the role of the voluntary sector. It noted the voluntary sector had some of the “best experience, innovation and skill to tackle these issues,” and that it would “play an enhanced role in the probation system.”¹

The commissioning process for day one services (which began operating in June 2021) was completed in May 2021. Approximately two-thirds of the total contract value was awarded to voluntary organisations. In addition, the contract lot for the provision of specialist women’s services was entirely awarded to voluntary sector organisations. This means that, overall, 23 out of a total of 26 lead providers are from the voluntary sector.

However, when we look more closely at the organisations that were successful in bidding for day one contracts, it becomes apparent that only a very limited part of the voluntary sector is involved. The voluntary sector working in criminal justice is made up of approximately 1,700 predominantly small, local and specialist organisations. However, across 110 contracts to deliver rehabilitation and resettlement services in the new probation system there are only a very small number of lead providers; and they are mainly larger voluntary organisations.² Moreover, there are no Welsh organisations leading delivery in Wales, and there is limited involvement in supply chains of very small and local organisations, or those led by and focused on racially minoritised people.
Against the background of this profile of organisations delivering day one services, and the government’s continued commitment to the voluntary sector in delivering probation services, we set out to explore the sector’s experience of the commissioning process in more detail.

Research scope

Our research looked at the whole commissioning process from market warming to award of contracts for day one services. We wanted to capture the range of experiences voluntary sector organisations have had in relation to engaging with the probation reform programme – from those who decided not to take part in the process at all to those who were successful in bidding and winning contracts through the Dynamic Framework.

Our recommendations are aimed at supporting future commissioning processes and engagement with voluntary sector organisations delivering rehabilitation and resettlement services.

Key findings and recommendations

A complicated process

Our research shows that the information provided during market engagement, despite being made available in a timely manner, was not clear or accessible. Reasons for this include the use of terminology that was not familiar to organisations and the volume of information organisations were required to read and digest.

One respondent said:

“The materials were reasonably clear but contained a lot of procurement jargon which was not helpful. The volume of materials to work through was also very challenging and it was difficult to find the resources in a small charity to work through all the information to be able to participate in the process.”

We recommend that market engagement processes should be timely and give organisations clear and accessible information. The use of jargon should be limited, with any technical terms clearly and accessibly defined by the commissioning authority.

We also recommend that capacity building support should be provided for small, specialist organisations to support them to engage with commissioning processes and to navigate the Dynamic Framework for example.

Organisations found the process for qualification onto the Dynamic Framework complex, cumbersome and bureaucratic. The financial costs of the work required to register onto the framework were significant. The information required to register was also not proportionate to the value of the contracts. These issues were also felt during the bidding process for contracts, with organisations finding the process overly onerous and information not being provided in a timely fashion.
One survey respondent said:

“The actual bid process was incredibly cumbersome and complex with lots of information being required in complex formats and duplications. The amount of time spent on qualifying and the bid process even up to the point of deciding not to apply as a prime was incredible and was all time of the CEO, impacting on the rest of the charity.”

We recommend that the Dynamic Framework and similar commissioning tools be simplified to ensure they are proportionate - the information required, and time taken to complete the process should reflect the nature and value of the contract being tendered.

Inadequate support

Organisations working to register onto the Dynamic Framework found it challenging to receive support from Her Majesty’s Prison and Probation Service (HMPPS) when they had difficulties and were often unable to receive clarity on any questions they asked.

One survey respondent said:

“We felt throughout the process certain aspects were unclear and we could not get clarification (despite submitting clarification questions).”

We recommend that procurement teams be adequately resourced to provide ongoing and robust support to organisations throughout commissioning process. Furthermore, team members should have relevant expertise for the services being commissioned.

Contract size and grants as a better alternative

Many small, specialist organisations were unable to engage with the commissioning process due to factors including that the financial thresholds that needed to be reached to deliver services were too high, the geographical footprint of contracts was too large, and the information required during the process was disproportionate to the size of the contracts.

One organisation said:

“We are simply not big enough and were unable to partner as a subcontractor because larger providers felt they could already offer what we were providing.”

We recommend that contract size should be reviewed and where possible reduced and let over the smallest possible geographical area to enable full engagement of small, specialist providers.

We further recommend that to encourage and facilitate the engagement of small, specialist organisations in commissioning processes to ensure true diversity of providers, grants should be the default funding option for voluntary sector organisations. Grants should be provided for three years.

To support decision making, we recommend that guidance should be developed on the circumstances in which a commissioner would choose a contract over a grant.

Our research found that some organisations need to subsidise the contracts they have won.

We therefore recommend that the true and full cost of services needs to be determined to prevent organisations needing to subsidise their work from other sources. This needs to be done in partnership and through consultation with existing service providers, especially specialist organisations.
Relationships with Regional Probation Directors

Lastly, we found that few organisations reported having a positive relationship with the Regional Probation Directors, with some highlighting concern that due to the time needed for the new probation services to bed in, their focus has so far been internal.

One respondent said:

“[…]The Probation Service will spend at least the next 18 months looking inwardly to make the new arrangements work and will rely solely on its commissioned partners to evidence partnership working.”

We recommend that all Regional Probation Directors proactively reach out to and engage with all voluntary sector organisations in their areas, including those who are already registered on the Dynamic Framework and those who are not. In doing this they should create clear and accessible structures to enable voluntary sector engagement. Voluntary organisations are more than providers of services and this engagement needs to inform future commissioning processes.

What next

This research shows that there have been some lessons learnt from the Transforming Rehabilitation programme with organisations welcoming the unification of probation services. There is more evidence of partnership working and, on the whole, sub-contracted organisations were far more positive about their relationship with lead providers.

However, we find that some issues remain. Despite an expressed intention from the Ministry of Justice (MoJ) for the commissioning process to be open to all voluntary organisations we know it has favoured larger, well-resourced organisations and disadvantaged smaller, local and specialist ones.

Clinks has been proactively engaged in the probation reform programme since its inception and we have already made a series of ongoing recommendations related to the commissioning process. We are working positively and constructively with the MoJ and HMPPS to explore how they can implement our recommendations and ensure the voluntary sector are meaningfully involved.

At the report’s launch event on 8 March Jim Barton, Senior Responsible Officer for Probation Reform, HMPPS outlined the work currently underway to respond to our findings.

Endnotes


2. NCVO define small organisations as those with an income of less than £10,000, whilst large organisations have an income of between £1m and £10m. As demonstrated by our State of the sector report, the criminal justice voluntary sector is made up of smaller organisations than the voluntary sector as a whole.