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# Unification of probation services

## Summary

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# Summary

## Probation services

Probation practitioners supervise offenders in the community and oversee their rehabilitation. People on probation are supervised while serving a non-custodial sentence or following their release from prison on licence.

## The new model

A [new model for probation services](#) in England and Wales will be brought in from June 2021 when current contracts for Community Rehabilitation Companies end. Under the new model, from 26 June 2021, all sentence management for low, medium and high-risk offenders will be carried out by the National Probation Service. Unpaid work, accredited programmes, other interventions and resettlement services will also be delivered by the National Probation Service.

The National Probation Service will be able to commission some services from the private and/or third sectors. The Dynamic Framework, a commissioning mechanism, will allow regional probation directors to procure rehabilitation services, for example, in relation to accommodation, employment and training.

Probation services will be organised around 12 regions (including Wales) and overseen by a Regional Probation Director with accountability for both the National Probation Service and contracted delivery. In Wales sentence management was unified in December 2019 when all case management activity moved to the National Probation Service.

The new model has been broadly welcomed with many expressing the hope that it will bring some stability to probation services.

## Reversal of earlier reforms

The new model will largely reverse the heavily criticised reforms of probation services that took place from 2014. These reforms, known as “Transforming Rehabilitation” divided the probation service into two: The National Probation Service and Community Rehabilitation Companies.

## The transition

Concerns have been raised about the transition from the old to new model. The Chief Inspector of Probation said the timeline was ambitious and that the pandemic had added further complexity to the schedule. In May 2021 HM Inspectorate found that the reforms were broadly on track but raised some concerns regarding staffing and services.

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# 1 Background

## 1.1 Previous reforms

The new model will largely reverse the heavily criticised reforms of probation services that took place from 2014. These reforms, known as “Transforming Rehabilitation” divided the probation service into two:

- A National Probation Service (NPS), which dealt with the most serious offenders and provided advice to the courts, divided into seven geographic areas; and
- 21 Community Rehabilitation Companies (CRCs) run by private and/or third sector organisations contracted to deliver community sentences for lower risk offenders.

For details of and comment on the earlier reforms see the Library briefing [Contracting out of probation services](#), 21 May 2019.

## 1.2 Development of the new model

In July 2018, the Government announced that probation contracts with CRCs would be terminated 14 months early. It published a consultation document on the future model of probation services: [Strengthening probation, building confidence](#).<sup>1</sup> This set out Government plans to address the immediate problems in the probation service and a longer-term strategy for reform.

The Government published a [response](#) to the consultation in May 2019<sup>2</sup> and announced that the split between the NPS and CRCs would be reversed, bringing supervision of offenders at all risk levels back under a national probation service.<sup>3</sup> The response said each probation region would have a private or voluntary sector ‘Innovation Partner’ (later renamed ‘Probation Delivery Partners’) that would be responsible for the provision of unpaid work and accredited programmes. It also proposed the creation of a dynamic framework that would allow for voluntary sector organisations to compete to run resettlement and rehabilitative interventions.

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<sup>1</sup> Ministry of Justice, [Strengthening probation, building confidence](#), Cm 9613, July 2018

<sup>2</sup> Ministry of Justice, [Strengthening Probation, Building Confidence: Response to consultation](#), CP93, May 2019

<sup>3</sup> Ministry of Justice, press release, [Justice Secretary announces new model for probation](#), 16 May 2019

HM Prison and Probation Service (HMPPS) published a [Draft Target Operating Model for Probation](#) in March 2020.<sup>4</sup> It set out the latest design of the future model. All responsibility for sentence management was to move to the National Probation Service, which would be split into 11 regions across England and one for Wales. A Regional Probation Director was to be responsible for delivery and commissioning of probation services in each area.

The Draft Target Operating Model included proposals for the delivery of unpaid work and behavioural change programmes to be contracted out to ‘Probation Delivery Partners’ (previously called ‘Innovation Partners’). The Probation Delivery Partners element of the model was [removed in June 2020](#) so that these services would instead be delivered by the National Probation Service.<sup>5</sup> The dynamic framework remained part of the model. The competitive process for Probation Delivery Partners, which had begun in late 2019, was subsequently ended. The Justice Committee expressed concern regarding the decision to cancel the Probation Delivery Partner programme, saying it was concerned:

...at any possible echo of a repeat of over-rapid, under-researched reform being introduced, at great cost and inconvenience, and then swiftly reversed when difficulties arise.<sup>6</sup>

## 1.3

## Transition

Concerns have been raised about the transition from the old to new model. The Chief Inspector of Probation said the timeline was ambitious and that the pandemic had added further complexity to the schedule. CRC providers said “transition risks contain more hazards this time”, compared to the introduction of CRCs, because “21 different models and ways of work are being transferred into the NPS against the backdrop of Covid-19”.<sup>7</sup>

HM Inspectorate of Probation conducted a [thematic review of work to prepare for the unification of probation services](#) which reported in May 2021.<sup>8</sup> It found that the reforms were broadly on track but raised some concerns regarding staffing and services. On staffing it said that while recruitment of trainee

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<sup>4</sup> HMPPS, A Draft Target Operating Model for the Future of Probation Services in England and Wales, March 2020

<sup>5</sup> HMPPS, [Update to the Draft Target Operating Model for Probation Services in England and Wales Probation Reform Programme](#), June 2020

<sup>6</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 35

<sup>7</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 132

<sup>8</sup> HM Inspectorate of Probation, [A thematic review of work to prepare for the unification of probation services](#), May 2021

HMPPS published an action plan in response to the review: [A Response to: A Thematic Review of work to prepare for the Unification of Probation Services](#), 14 May 2021

probation officers was underway, it would take several years for them to complete their training and reach full capacity.

Commenting on the Dynamic Framework, inspectors found that HMPPS had failed to attract potential suppliers for some services and regions and were still trying to award contracts. It said there was a risk some specialist services would not be in place in time.

On resettlement (work with prisoners being released from custody) the inspectorate expressed concern that progress made in the last three years following additional funding could be lost as contracts for “Through the Gate” services with CRCs are terminated.

In evidence to the Justice Committee, voluntary sector organisations reported potential concerns about transition, particularly relating to arrangements for the transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations (generally referred to as TUPE).<sup>9</sup>

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<sup>9</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 139

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## 2

## The new unified model

In February 2021 the Ministry of Justice published its final proposal for a new unified model for probation services, the '[Target Operating Model](#)', to be in place from June 2021. The Ministry of Justice also published revised [National Standards](#) to support transition to the unified model.<sup>10</sup> The key elements of the new model are:

- All sentence management activity will move into the National Probation Service from June 2021
- Probation services will be organised around 12 regions (including Wales) and overseen by a Regional Probation Director with accountability for both NPS and contracted delivery
- Unpaid work, accredited programmes other interventions and resettlement services will be delivered by the National Probation Service
- The Dynamic Framework, a commissioning mechanism which will allow regional probation directors to procure rehabilitation services, for example, in relation to accommodation and employment and training.

The 12 regions are:

- North East
- Yorkshire and the Humber
- East Midlands
- East of England
- Kent, Surrey and Sussex
- South Central
- South West
- Wales
- West Midlands
- Greater Manchester
- North West
- London.<sup>11</sup>

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<sup>10</sup> HMPPS, [The Target Operating Model for probation services in England and Wales: Probation Reform Programme](#), February 2021

HMPPS, [National Standards 2021: Supporting transition to the Unified Model](#)

<sup>11</sup> HMPPS, [The Target Operating Model for probation services in England and Wales: Probation Reform Programme](#), February 2021, p139 and Annex C provide maps and details of each region



## 2.1 The Dynamic Framework

The Dynamic Framework will be used to commission services for individuals on community orders and those supervised on licence in the community. The Ministry of Justice has said that the Dynamic Framework is intended to allow the NPS to:

... directly commission rehabilitative services in a way that encourages the participation of a range of suppliers including smaller suppliers and is responsive to the needs of local areas.<sup>12</sup>

The Dynamic Framework is split into categories based on needs and cohorts. Initially the Ministry of Justice and HMPPS planned to let more than 200 contracts at Police and Crime Commissioner level, from the first day of operational service delivery under the new model (“Day 1”). These were to be in the following areas: accommodation; education, training and employment and finance, benefits and debt; dependency and recovery; personal wellbeing; women’s services; and services for young adults in Wales. However, the scope was changed so that procurement for most Day 1 services, took place at larger, regional level.

In May 2021 the Ministry of Justice [announced](#) a list of contracts awarded under the Dynamic Framework according to region.

## 2.2 A new resettlement model

Resettlement services aim to assist a prisoner in their transition from prison to probation and other relevant community services and so reduce reoffending.

A new resettlement model is being brought in to replace the “Through the Gate” (TTG) resettlement services that were introduced as part of the Transforming Rehabilitation reforms from 2015. The TTG services provided by CRCs were heavily criticised by the inspectorate in 2016 and 2017. This resulted, in July 2018, in the Government announcing additional funding to improve resettlement services with an Enhanced TTG model (ETTG).<sup>13</sup> The ETTG model has been considered, by the inspectorate and others, to be relatively successful.<sup>14</sup>

While the Ministry of Justice and HMPPS note that they have seen improvements since the introduction of the ETTG model they have said there is

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<sup>12</sup> Justice Committee, [Written evidence from Ministry of Justice](#)

<sup>13</sup> For background see the Library briefing [Contracting out of probation services](#), 21 May 2019

<sup>14</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 91

a need to implement a revised approach to resettlement given the wider changes taking place in probation.

Then Minister of State for Justice, Lucy Frazer, told the Justice Committee that the new resettlement model would reduce the number of people who become involved in a prisoner's journey. The individual will have a prison offender manager in prison, and then a probation offender manager (community offender manager) who will come into the prison to support them 10 months before release. A team will be introduced, based in the prison, that specialises in short sentences.<sup>15</sup>

The Ministry of Justice has said that as part of its response to the inspection by HM Inspectorate of Probation on the preparations for unification, each probation region will appoint a resettlement lead to provide strategic leadership of resettlement work.<sup>16</sup>

## 2.3 The probation workforce

The new model for probation includes a new 'Probation Workforce Programme'. In July 2020 the Ministry of Justice published the [Probation Workforce Strategy](#).<sup>17</sup>

The Justice Committee has noted that "low staffing levels have historically been problematic for probation services".<sup>18</sup> HM Inspectorate of Probation has reported finding staff in CRCs with unmanageable caseloads. In a recent report the inspectorate concluded that while a precise target number for caseload cannot be set, there is consensus among staff and senior managers that between 50 and 60 cases is the maximum number that can be managed well.<sup>19</sup>

The [Target Operating Model](#) states that the Ministry of Justice's focus is on recruiting and training increased numbers of probation officers to support the service and caseloads.<sup>20</sup> The Government [announced](#) in July 2020 that 1,000 new probation officers would be recruited as part of a three year plan.<sup>21</sup>

Amy Rees, Director General of Probation and Wales, told the Justice Committee in April 2021 that probation caseloads are too high, and that this

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<sup>15</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 95

<sup>16</sup> [PQ2935, 26 May 2021](#)

<sup>17</sup> HMPPS, [Probation Workforce Strategy](#), July 2020-2023

<sup>18</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 108

<sup>19</sup> HM Inspectorate of Probation, [Caseloads, workloads and staffing levels in probation services](#), Research & Analysis Bulletin 2021/02, March 2021, p4

<sup>20</sup> HMPPS, [The Target Operating Model for probation services in England and Wales: Probation Reform Programme](#), February 2021, p154

<sup>21</sup> Ministry of Justice, press release, [Public safety boosted with 1,000 new probation officers](#), 30 July 2020

additional recruitment is designed to bring caseloads down, with the aim of bringing caseloads down by 20% on average in steady state by 2024–25.<sup>22</sup>

On 3 June 2021 the Ministry of Justice confirmed that 1,007 trainee probation officers had been recruited in the past year and committed to recruiting a further 1,500 by March 2022.<sup>23</sup>

## 2.4 Pre-sentence reports

Under the new model the National Probation Service will retain responsibility for the delivery of pre-sentence reports, providing advice and information to help judges and magistrates in their sentencing decisions. The Justice Committee has said that there is consensus that better pre-sentence reports are fundamental to improving sentencer confidence.

Work is being undertaken which aims to improve the quality of information provided to courts in pre-sentence reports. In March 2021 the Ministry of Justice [launched a pilot](#) which will use an Alternative Delivery Model developed by the Ministry of Justice, HMCTS and the Probation Service at 15 sites. The pilot will include the delivery of short format written reports for three priority cohorts: female offenders, young adult offenders and offenders who are deemed to be at risk of custody.<sup>24</sup>

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<sup>22</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 123

<sup>23</sup> Ministry of Justice, press release, [One thousand probation officers recruited to protect the public](#), 3 June 2021

<sup>24</sup> Ministry of Justice, [Pre-sentence report pilot in 15 magistrates' courts](#), 19 May 2021

## 3

## Response to the new model

The new model has been broadly welcomed with many expressing the hope that it will bring some stability to probation services. Some stakeholders have raised concerns and issued warnings, particularly about resourcing and staffing.

The Chief Inspector of Probation, Justin Russell, summarised his views:

It has been a bumpy road for Transforming Rehabilitation – and the move back to a unified service will not be a magic bullet. Further reforms must be backed by real extra resources. Vacancies for probation officers must be filled, and staff properly trained for their new responsibilities. The positive innovations that CRCs have brought must be preserved.<sup>25</sup>

The inspectorate reported that, unlike the Transforming Rehabilitation reforms, where a large majority of staff were critical of the change programme, it had found enthusiasm and buy-in to the new probation delivery model across all grades of staff and significant key stakeholders.<sup>26</sup> It noted frustration from some CRC staff and managers who felt that innovative projects and posts developed by CRCs would not be accommodated in the new national model. Some had speculated there would be less scope for local, ad-hoc innovation and creativity.<sup>27</sup>

The Justice Committee, in its report [The future of the Probation Service](#), April 2021, concluded:

We welcome the decision to unify the Probation Service once more. We warn, however, that, after the disruption of the past seven years, changes proposed and begun to the probation system must be fully thought through, properly funded and expected to remain in place for a period of decades rather than months or a few years. We seek an assurance from the Ministry of Justice that the new reforms will do so.<sup>28</sup>

<sup>25</sup> HM Inspectorate of Probation, press release. [Annual probation report: 'There is hope for the future – as long as funding and good practice are not forgotten'](#), December 2020

See also: [2019/2020 Annual Report: inspections of probation services](#), December 2020

<sup>26</sup> HM Inspectorate of Probation, [A thematic review of work to prepare for the unification of probation services](#), May 2021, p19

<sup>27</sup> HM Inspectorate of Probation, [A thematic review of work to prepare for the unification of probation services](#), May 2021, p22

<sup>28</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 33

A number of issues of concern were raised by witnesses to the Committee.

### Confidence in sentencing

Witnesses expressed hope that the unified model will improve judicial and public confidence in sentencing. The Justice Committee concluded that the unified model has the potential to increase judicial confidence but added that confidence in non-custodial sentencing will rise only if the suitability and effectiveness of such sanctions are improved.

### The Dynamic Framework

The Dynamic Framework has been broadly welcomed by stakeholders, as a positive step toward specialist localised probation service provision. However, concerns have been raised about how it will operate in practice and whether it presents a genuine level playing field for smaller third sector organisations.<sup>29</sup> Complexity of the commissioning process was a particular concern as witnesses feared this will prevent smaller organisations bidding, or successfully bidding for contracts. Charities NACRO and Clinks raised concerns that in the first year the total investment in service delivery, once mobilisation costs are set aside, is potentially less than it is now and that values for some contract lots are lower than existing contract values.<sup>30</sup>

The Justice Committee said it shared concerns that in some instances projected volumes are lower than those that various organisations are currently working with. It said the potential for contracts to be underfunded was of significant concern.<sup>31</sup>

Whilst some organisations expressed disappointment about the shift from local to regional procurement, the Justice Committee said that it appreciated why this was necessary due to the pandemic and expressed hope that more third sector and smaller organisations with specialist skills would be included in the longer term.<sup>32</sup> Overall, however, the Committee concluded that the Dynamic Framework appeared to offer a more localised approach to service provision than was previously available.

### Resettlement

Evidence to the Justice Committee welcomed the commitment from the Ministry of Justice to improve the integration between prison and probation in the new resettlement model. However, several witnesses said that the new resettlement model lacks clarity, with some uncertainty about how the model will be delivered in practice. The Committee noted that it will be important not to lose current good practice and effective services that were developed under the previous model. The Committee also noted concerns that if the Offender Management in Custody (OMiC) Model, which introduces a keyworker system for prisoners, has not yet been fully rolled out across the

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<sup>29</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 66

<sup>30</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 78

<sup>31</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 81

<sup>32</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 86

prison estate, this could affect implementation and success of the resettlement model.

### **Staffing**

Some witnesses to the Committee, including NACRO, expressed uncertainty about whether the new model of probation will address some of the workload issues that have been seen under the old model.<sup>33</sup>

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<sup>33</sup> Justice Committee, [The Future of the Probation Service](#), HC 285, 23 April 2021, para 117

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