



BRIEFING FOR THE HOUSE OF LORDS REPORT STAGE DEBATE OF THE OFFENDER REHABILITATION BILL [HL] 2013-14

Tuesday 25th June 2013

Introduction

UNISON is the largest public sector trade union in the UK representing around 1.4 million members, of which 4,500 work for the 35 Probation Trusts in England and Wales.

This briefing sets out the key concerns that our members have about the Government's proposals to reform the Probation Service, as first set out in the Ministry of Justice 'Transforming Rehabilitation' Strategy published in May 2013 and subsequently in the Offender Rehabilitation Bill [HL] 2013-14. UNISON requests your support for our campaign to *Keep Probation Public – Keep Probation Local* as the Offender Rehabilitation Bill is debated at Report Stage on 25 June.

Our Campaign - Keep Probation Public – Keep Probation Local

UNISON's probation members are fearful for the future of the Probation Service and what the Government's plans will mean for the rehabilitation of offenders and public protection. They have no problem with the underlying aim of the Government's reform agenda, which is to ensure that all offenders are properly supervised in the community, but the way Ministers are going about this reform could fundamentally change the Probation Service as we know it.

Probation is a local service and gains strength from links with local authorities, police forces and the community and voluntary sector. We fear that the Government wants to break apart these successful local partnerships and replace them with a top-down bureaucratic commissioning model, run centrally by remote officials in the Ministry of Justice. This has been tried before and has not worked well, as the current probation facilities management contract has shown only too well.

UNISON is currently promoting an alternative reform agenda for the Probation Service, namely 'Primary Justice', and recently published a joint report with the LGiU outlining our vision for the future of the probation service. A pdf copy of this report is attached to the covering email. The Primary Justice model is based on the concept of devolving a proportion of Ministry of Justice funding to local communities and allowing local authorities and/or police and crime commissioners to commission local solutions to offending and rehabilitation in association with their Probation Trusts. This model aims to preserve localism and accountability in the delivery of probation services.

Offender Rehabilitation Bill

UNISON has three specific concerns about the Offender Rehabilitation Bill as currently drafted:

- A lack of clarity and content within the Bill on the Government's key proposals to reform the structure and function of the Probation Service – This has severely hampered parliamentary scrutiny of these wide-ranging proposals;

- The payment-by-results model is completely untested in the probation service, which is unique from all other public services;
- Probation Trusts and Local Authorities will be prohibited from bidding for contracts to provide probation services

A Lack of Parliamentary Scrutiny

UNISON is concerned that the Offender Rehabilitation Bill provides very little detail about how the Government plans to carry out its proposed reform of the Probation Service, with little by way of a proper legislative framework for transferring responsibilities from Probation Trusts to the private sector. This has therefore severely constrained the level of parliamentary scrutiny for these radical proposals.

We believe that any change in the Probation Service should only take place after the full details have been discussed and approved by Parliament, rather than implemented by Statutory Instrument, and therefore call upon Peers to push the Government on the need to ensure that before any reform of the structure of Probation in England and Wales detailed primary legislation be laid before Parliament and subject to the approval of both Houses of Parliament.

Untested payment-by-results model

We are concerned at the Government's proposal to deliver probation services via payment-by-results a model which is completely untested. There have already been serious criticisms of this process and how it might be applicable to the Probation Service. As an example, Sharon White, Director General for Public Services at the Treasury has said:

"We have now got a situation at the Ministry of Justice where Chris Grayling ... is going to take a payment by results approach to almost the whole of probation. But some of us who have been around a long time get very nervous about panaceas ... It is quite hard to get a firm handle on the numbers. We're taking a very cautious approach on whether this is going to deliver better value for money compared to direct public spending intervention."¹

Given this, UNISON is calling on the Government to first pilot the payment-by-results model in the Probation Service, to be followed up with an independent evaluation of that pilot. Only following the evidence produced by this evaluation should the Government consider rolling out this model across the Probation Service.

We therefore call on Peers to back our calls for the Government to implement pilot programmes to test the payment by results model ahead of any national roll-out across the Service.

Probation Trusts' and Local Authorities' ability to bid for contracts to provide probation services

¹ <http://www.thetimes.co.uk/tto/news/politics/article3701456.ece>

We are concerned that under the Government's current proposals Probation Trusts will be prohibited from bidding to run the very work that they currently provide. This prohibition also applies to Local Authorities. The Government is currently proposing that these public sector organisations will not be allowed to tender to provide services to low and medium-risk offenders, with the Ministry of Justice claiming that the payment-by-results model would place public money at risk if Probation Trusts of Local Authorities were to be allowed to bid. We believe that this decision is perverse, flies in the face of the Government's oft-stated commitment to localism, and offers a clear and unfair advantage to private sector providers in tendering for contracts.

We ask Peers to support our calls for Probation Trusts and local authorities to be able to bid to run contracts for probation services, and should these proposals move forward be able to compete with the private sector for these services on a level playing field.

Finally...the current Probation Service works

Probation staff are disappointed at proposed reform to a public service which is, according to a number of independent indicators, performing well and protecting communities from harm. As Lord Beecham identified during the Committee Stage Debate, the Probation Service:

*"has met and exceeded all its targets, won the British Quality Foundation gold medal for excellence for its achievements over many years and has very high ratings from those with whom it has to deal: 98% of victims approve of the work of the probation service in the feedback that they have supplied and 82% of supervisions were completed satisfactorily."*²

How you can help

We hope that you will be able to support our alternative vision for the Probation Service and campaign to "Keep Probation Public – Keep Probation Local".

We are anticipating amendments to be tabled at Report Stage that will provoke debate on the issues raised in this briefing. If you share our members' concerns, we would be grateful if you could raise these issues with the Government on the floor of the House.

Contact

If you would like more information about this briefing or would like to arrange a meeting with UNISON, please contact:

Ben Priestley
UNISON National Officer for Police and Justice
020 7121 5272
b.priestley@unison.co.uk

² HL, 5th June 2-13, Column 1252