

Contracting in, Contracting out

David Chantler describes the benefits and challenges of purchasing probation services.

Why is it that developing a range of services from different sources is seen as losing control, fragmenting services and 'putting out', when it could just as well be seen as ensuring the highest standards, procuring the best packages and 'pulling services in' to the public sector?

Could it be because the old Probation Committees were limited in their abilities to purchase and that Probation Boards have not fully utilised the powers they were given under the *Criminal Justice Act 2000*; that when partnerships have been used it has been at the margins, and even then we have attended to the wrong issues, e.g. worrying about what providers are up to, when we should be concerned about the areas where organisations can lose sight of each other, and individuals fall through the gaps? Further, these problems have meant that it has not seemed worth creating the step change that would be required to make purchasing services work for us.

This goes to the heart of the question, "What do Boards consider their role to be?"

It is for Boards to provide probation services to their area. A statement of the obvious perhaps but only four years ago there were all sorts of constraints on Probation Committees, whose history had been about employing and supervising the work of probation officers, epitomised by the fact that orders were made not to the local service but to "a probation officer assigned to the PSD" (Petty Sessional Division).

The 2000 Act should have swept that away, but the paradigm has been powerful and long lived.

The old 7% expenditure target on contracting out services was designed to move things on, however it only served to push partnerships to the margin, leaving areas free to disregard contracting once they had attempted to meet the target. Areas of historic partnership expenditure have now been put into joint commissioning arrangements, with the cash no longer coming through probation, so the re-imposition of the old target would not be an appropriate response. It would be much better now to move to a regime of assessing best value.

In a world where the governance arrangements have been built around an expectation that the task was solely an employment one, rather than the provision of services, the weight of inertia favours the status quo.

Why follow the road less travelled?

The benefit of contracting services is exemplified in West Mercia Probation Area. Here I describe two

of our 'mixed economy' projects:

ICCP (Intensive Control and Change Programme)

We are one of the eleven first wave pilots for ICCP and chose to deliver it through a partnership with the voluntary sector, even though it is by no means a marginal activity.

In taking on ICCP, we needed to:

- develop the infrastructure for the new programme;
- gain the support of courts;
- develop new employment arrangements to provide for 24 hour 'on call' and working seven days per week.

We already had ISSP in our Youth Courts, provided by a local organisation, Youth Support Services, and we bought all of these requirements from YSS. In addition, however, we achieved added value because we can offer courts in West Mercia continuity for the most persistent offenders, which is not disrupted when they reach an arbitrary birthday.

Why would we want to do all this work all over again, when we can have a proven and integrated package?

It becomes crucial to resist the temptation to dilute what we have bought by interfering, but we have to ensure that what we have bought is integrated into our wider systems, otherwise why provide this programme through probation?

The emphasis moves from trying to micro-manage ICCP and on to the quality of the specification and of joint working, both systemic and personal, between the parties. We gladly second staff into YSS and we include their staff in wider probation events. In short we do not consider our partners our rivals but as a means to deliver the service for which we have responsibility.

We have tried to attend to the 'value chain' by understanding what different suppliers bring to the table and trying not to undermine that value by making them pseudo-probation services. This approach requires us to be clear about what our distinctive role is.

The classic commercial case study is Benetton who I understand buy in their knitwear from small suppliers, contract out inward and outbound logistics, and sell through a network of franchised shops. What they control are the dyes that are used on the completed garments. But what are our 'dyes'; what is our irreducible contribution? Unless we can answer this, our partnerships will be a succession of pragmatic arrangements and contracting will have

no clarity about respective roles and no ability to provide local leadership.

Connect

Connect is an ESF funded project providing resettlement services to short-term prisoners throughout the West of Midlands region. It is a collaboration between the probation areas in the region and the prison service with, at its core, the matching of offenders with mentors, recruited mainly through two voluntary organisations, and a number of smaller groups representing different aspects of diversity.

West Mercia has a large number of prisons but prisoners often come from the West Midlands conurbation, which presents the possibility that they may fall through the cracks. Voluntary throughcare had been deprioritised and yet in terms of what we say we are in this work to achieve – protecting the public, reducing re-offending and rehabilitating offenders – the group most likely to re-offend was getting no resettlement service.

By awarding contracts to the voluntary sector we have bought in the experience of recruiting, training and maintaining large numbers of volunteers as mentors. We had struggled to recruit volunteers but when the contractor wanted volunteers in our most rural and hardest to reach division, they simply added 'Connect' work to the recruitment drive they were running in that area. Problem solved.

To summarise

We have a problem in seeing any role other than 'employer' and direct provider as positive. But if Boards take seriously their ability to commission, we can grow probation through internalising

alternative suppliers and enhancing service delivery by buying in expertise and experience.

We need to be clear about our distinctive contribution: local knowledge and accountability, and managing risk within that context. Once we have established that we can decide to 'make or buy' with confidence.

We cannot base relationships with the suppliers on assumptions that they will get it wrong and we will have to put matters right, but on trust and the ability to take effective compliance action if that trust is betrayed.

This is a new paradigm. Areas will have to develop new expertise and there are dangers, which we are experiencing, of having to maintain the costs of commissioning alongside those of traditional accountability through professional supervision of directly employed staff.

What matters is the service delivered. If you come out of a short sentence in the West of Midlands region you go onto a probation programme called 'Connect'; you may never see a probation officer and, if you do, you will not know which of the four areas employs them.

If you are placed on ICCP in West Mercia you are on a probation programme but you may receive it from the voluntary sector. **So what?**

David Chantler has been Chief Officer of West Mercia Probation Area since it was formed in 2001. Prior to this he was Chief Probation Officer in South West London, which included a secondment to the Home Office to work on the governance arrangements for the Probation Boards prior to their establishment.

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