

Alliantist, pam and Transforming Rehabilitation

Following the recent consultation paper Transforming rehabilitation, the MOJ asked for the views of those organisations already involved in probation.

Alliantist counts a majority of probation trusts among its customers – they use our cloud-based software service that revolutionises who work gets done, pam – so our CEO Mark Darby is very well placed to give his views.

Here is his response:

How can we maximise the results we get from our collective Government and public sector resources?

We must forge an ecosystem that is designed to work around thematic issues and encourage all partners from criminal and social justice-focused agencies to work better together, equip them with the tools, technology and mind set to be able to do that, and not continue to rely on old ways of working.

The current system is a bit like having a highly capable golf Ryder cup team playing golf for Europe (multi-agency teaming) with an old set of hickory shafted golf clubs and using balls from the 19th century.

Just changing probation alone is perhaps a bit like changing just the putter (and possibly giving a right handed player a left handed putter), when really it's the whole infrastructure of the game and all the equipment that needs attention and investment to get better results.

Whilst there are some offending cases that probation can probably address alone, many are reliant on police, social services, prison, health and other statutory providers that need to be considered more carefully beyond the current scope, especially for PbR and better community outcomes to take effect.

How can we use the reform of offender services in the community to enhance the broader range of social justice outcomes for individuals?

Tie the offender-oriented outcomes more closely into community outcomes and have closer engagement with the police and crime commissioner along with other local commissioners, such as health.

Also, think carefully about how those responsible for sentencing offenders can be encouraged and educated around what works, and to consider their sentencing approach as they are the ones who decide on what treatment, punishment and other interventions are introduced for each offender.

Having a list of community needs and wants available to these people might be helpful, as would sharing sentencing successes and offender transformations achieved by selecting one approach over another.

We are minded to introduce 16 Contract Package Areas. Do you think this is the right number to support effective delivery of rehabilitation services? Do you have any views on how the Contract Package Area boundaries should be drawn?

With the introduction of police and crime commissioners (PCC) and localism, it would make much more sense to have boundaries aligned with the PCCs' scope.

We feel it is important to have the local commissioning completed (in terms of demand, needs analysis, local variations, etc.) and delivered by providers locally, who are all part of their own local ecosystem.

Generating savings from procuring with larger economies of scale may still be possible, but driving out cost at the top by having fewer lots may not translate into real savings if the results do not improve.

The options on delivery of packages should take into account:

1. Geography: they should align with the PCC to ease decision-making and focus on the wider community needs.
2. The service line/product: for example, drug & alcohol services. These should be procured on a continuum: centralised for large volume, commodity-based and low risk products; localised for small-volume, specialist-needs and higher risk products.
3. Type of subject: domestic violence offender (This may be too complicated in practice, as there may be other causal impacts and multiple offence types.)

What payment by results payment structure would offer the right balance between provider incentive and financial risk transfer?

Any PbR structure should look at incentives and consequences. Without the risk/consequences for the larger financial providers, they may not suffer quite as much if they underinvest or maximise profits to the detriment of the overall outcomes.

It would also make sense to have some reputational risk exposure included too, to help reinforce that brand impact (positive and negative) is in play, too.

Depending on the nature of the providers, there needs to be some form of milestone payments to enable set up, in-life delivery and on-going monitoring.

A flexible PbR structure could look at provider health, organisation size and the scope of the contract, plus the probability of success, based on benchmarks to derive some calculated milestone payments across the lifecycle that drives effective and efficient service delivery over the contract and beyond.

The private sector has achieved this well, although with less complex subjects and in areas where the results were within their control and influence. This area will still rely on other providers and partners, especially statutory ones, to do their bit. A more suitable approach could be based on community budgets and outcomes, where offenders are a variable that needs to be addressed and aligned to serve the overall goals better.

What measurements and pricing structures would incentivise providers to work with all offenders including the most prolific?

One would hope that any providers would want to work with the offenders regardless of any measurement or pricing motive. Clearly, there needs to be a hygiene approach to service provision with some form of cost recovery, so any possible loss does not inhibit qualified providers.

Many providers would probably not be looking for major incentives around pricing – they would be more incentivised by better community outcomes and the wider transformation, because they believe in its societal benefits.

It's fundamentally important to underpin any contract provision with the right values and behaviours in the first place.

The measurements would need to look carefully at relevant input and output measures, not least because of the number of potential players involved in any delivery. Without these input and output measures being known, at least to the service providers, they would be less able to understand what works and what mix of time, skills, services, lead roles, order of delivery, etc, makes a difference.

It will also need an open, transparent structure to help encourage contribution at the right time (whilst protecting personal assets and Intellectual Property Rights, etc) with rewards for not just complete desistance immediately, but where it is not going to happen, celebration of little victories and steps towards it.

Beyond pricing and measurement, if I were delivering services into the most prolific offenders I would want to know that I was able to influence or change the system around the PPO.

This would include being able to work much more closely with other statutory agencies in a more holistic, outcome-focussed way, that is unlikely to be achieved with current scope considerations, but could be with shared budgets, clearer attribution, and greater involvement of a smart Police and Crime Commissioner.

How should we specify public sector oversight requirements in contracts, to avoid bureaucracy but ensure effective public protection arrangements?

Merlin has been held up as an example of good practice for supply chain excellence in the work programme. We think there is much to applaud the idea of Merlin for, but it has not delivered on the promise (for whatever reason).

The new service needs to be more ecosystem-oriented rather than a linear supply chain and have built in effective checks, balances and nudges for best contract and relationship management practice. It needs to go beyond the abstract Merlin initial checks and paper-based ways of working to a more dynamic and flexible, but consistent, technological architecture for both provider engagement and oversight (the wider contract delivery and governance).

We at Alliantist have already built a cloud-based system (pam) that is in use across over 50% of probation trusts to help govern and manage service providers, work with customers and commissioners, control contract activity and enable structured collaboration on specific work issues.

It can easily be configured with 'Merlin' alerts and insights (and beyond) to help drive better practices, in one platform, by working together. This could include commissioner, contractor, subcontractor and other delivery partners such as police, health, etc, as required.

We would encourage the consultation reviewers to consider this and avoid wasting existing innovation inside some high performing trusts that can be easily replicated elsewhere for marginal cost. We are an SME, pam is pan government accredited (from March 2013) and ready to deploy more widely.

The broader solution also needs oversight of individual subjects/cases as and when required. So a related issue is when providers need to swap cases around, either because the offender has moved territory or because the offender has moved into a higher tier, and the case needs to go back up the management structure of the public sector.

Again, we have a system in use with another platform, Restricted pam, that would be of immense value as a flexible front end to NOMIS, eOASys, and national Delius.

We want to incentivise through the gate provision, but some prisoners will disperse to a different part of the country following release. How can we best account for that in contract design?

We must carefully think through the contract packages geographically, per my point above. Then:

- 1 - Tie every contractor's overall performance together with part of the PbR rewards, having some form of annual bonus/incentive that compels effective hand off from one provider to another, and...
- 2 - Some netting off/partial payment effect, where provider A might hand over 20 offenders to provider B once they leave prison, but equally provider B may also hand over another volume of offenders to provider A, too. A simple calculation could work out the amount due to the providers depending on how long the released prisoners have been under care and management, and their percentage completeness towards meeting outcome goals and steps towards transformation.

An alternative option (per my contract package boundaries above) would be to offer one contract package for when an offender is in prison and that provider then hands off to the relevant local provider when the offender leaves.

What mechanisms can be used to incentivise excellent performance and robustly manage poor performance to ensure good value for money?

See examples stated above, and we are happy to share more thoughts as part of a deeper engagement.

Mechanisms should look beyond just outcomes for reasons stated above, and go beyond the existing Merlin-type scope into actionable delivery, in life. In my book Alliance Brand, I introduced a tool called PARA - partner and alliance relationship assessment. This tool looks closely at the causes and effects of excellent versus poor performance in the delivery of contracted, strategically important work such as in this field. The tool is available in pam already and covers the following mechanisms:

Cause-based mechanisms:

- 1 Compelling value proposition
- 2 Powerful drivers for cooperation
- 3 Strong relationship compatibility
- 4 Valuable and committed investments
- 5 Manageable external pressures
- 6 Effective management controls
- 7 Excellence in execution

Effect based mechanisms:

- 1 Relationship health
- 2 Results delivered

Sitting behind these are the detailed mechanics, measures and KPIs that would have been identified during contract award and the on-going post award rollout planning.

What steps should we take to ensure that lead providers manage and maintain a truly diverse supply chain in a fair, sustainable and transparent manner?

I would encourage the language of ecosystem participants beyond supply chain per se, as this is not likely to be a linear delivery. Supply chain also represents old-world thinking and, for effective rehabilitation transformation, there needs to be more inclusive engagement beyond subcontractors of lead providers.

As mentioned earlier, Merlin had good intentions but the delivery is now out-dated and needs refreshing for this complex world.

Areas to consider include:

1 Selection of lead provider on the right evaluation criteria, beyond just price - perhaps using something like our TOPSCORER model as part of the award criteria to drive the more complete behaviours and competences.

2 How any lead provider will then select and engage its delivery partners, but also, importantly, grow and build capability and capacity with them as many will be ill-equipped for this journey, both commercially and technologically, as well as from a partnering perspective.

3 How any lead provider will intend to integrate itself into the existing local ecosystem to work with the PCC, the other statutory agencies like police, prisons, health, local authorities, etc.

4 How the providers will then demonstrate their fairness, diversity and capability both in terms of profile (numbers, types etc) as well as performance (effectiveness and efficiency). This needs to look at the overall portfolio.

We have developed pam for this market and if the lead providers were encouraged to use it, we would be able to help provide evidence beyond the basic Merlin statistics, and more importantly support the lead providers [supply chain] and wider partner portfolios in a cost effective and consistent fashion where best practices and knowledge can be shared (unless competitively disadvantaged), and have the whole ecosystem rise in capability and better outcomes.

One of the points mentioned above about encouraging the effective hand off of offenders through the gate can also be enhanced here by having the lead providers all incentivised/rewarded for being part of a bigger ecosystem, where their contribution to articles, research, practices, etc, is part of the contract commitment.

What processes should be established to ensure that supply chain mismanagement is addressed?

See above, but also have a good understanding of the following:

1 What percentage and type of business is being awarded to local and smaller players beyond the lead.

2 How the subcontractors are growing and changing as the contracts evolve.

This could be done simply with a quarterly, biannual, or annual statement from the participants on their progress, backed up with evidence from an audit and inspection if desired (random samples perhaps initially), with bonuses and incentives tied to the commitment to award business and grow local providers. It would also then be in the interest of the lead provider to better equip its delivery partners for the long term, rather than underinvest and see the service suffer and just have to switch out providers constantly.

How can we ensure that the voluntary and community sector is able to participate in the new system in a fair and meaningful way?

See comments above. Some of the challenges for the VCS are their lack of commercial, partnering-related skills and technology. They are also nervous of very large prime contractors.

If the government were able to encourage some form of investment initiative to enable the VCS to access technology and grow its skills, that would be very helpful. It could be done in one of many ways, including:

- 1 Nation wide skills and capability development academies equipped with the relevant capabilities (a kind of meaningful and sustainable Merlin+) for looking beyond just probation into wider multi-agency/provider capability development.
- 2 Lead providers being encouraged to direct a percentage of the contract to capability investment for their partners (Although that could lead to a proliferation of inconsistent practices.)
- 3 NOMS providing a central capability environment that helps new providers adopt and grow the right capability for probation-oriented delivery.

How can we best use statutory supervision on release from custody to ensure that offenders engage with rehabilitation effectively?

It's important to think of the wider care, support and enforcement around the offender, which would include police, health and local authorities, etc. The current technology systems are not equipped for that level of engagement, so would rely on the old manual ways of working and leave the system worse off than today, with a lead and their subs as well as the existing statutory providers.

A better approach towards effective supervision is a joined up approach to the subject, and one shared technological place to engage and supervise. We are already doing parallel examples of this in Greater Manchester with the police, local authorities and other partners, who come together either in their MASH (Multi-Agency Support Hub) or as and when required to manage around specific incidents - one such incident being the tragic murders of the two female police officers in September 2012 - which then benefit from a multi agency/provider collaboration. Our platform pam is used for one shared approach to subject management, enforcement, delivery and support.

How can we ensure consequences for non-compliance are effective, without building in significant additional cost?

Not sure I understand whether this is non-compliance by the offender, or the provider?

Consequences for non-compliance from a provider point of view can be addressed by exception from SLAs, random audits and feedback from ecosystem participants, for example subcontractors, statutory partners, the offenders themselves and their supporters, if need be.

Done with technology underpinning it, this does not need to have significant additional cost as it can be captured during the delivery of core work and then the system takes care of the performance analysis. Contract and performance

managers on both sides would see the same information and be part of the broader collaboration.

Given our proposals for the commissioning structure and the proposed responsibilities of the public sector, what kind of delivery structure would be most appropriate for the public sector probation service?

This is a subject for deeper engagement beyond the consultation.

In short, the most appropriate structure would be one that offers the lightest corporate overhead cost, that also avoids unnecessary duplication across the country, but is aligned with the best probability of success for each community at the time they need it.

Waiting for a decision that gets commoditised from a central policy, finance, HR or other support person could have higher opportunity costs than having more of those resources strategically focused in target communities.

Alignment with the PCC scope would probably be of most benefit for operational decision-making and local implementation, whilst harnessing centralised support on larger policy and related areas that are the same for each local area.

Either a completely centralised or completely decentralised focus is not going to deliver the desired results but equally, unless there is some wider integration into the other delivery aspects of criminal and social justice, then any review here will be limited in its delivery of transformational outcomes.

We also believe there are gaps in the structures being proposed around commissioning that include:

- Local demand needs analysis
- Provider and statutory partner engagement/in-life management and reviews
- Local market capacity building
- It would make sense that some form of role is kept for the public sector here, locally
- Other elements that need consideration include the roles and responsibilities of boards such as the CJB, CSP, etc.

What else can we do to ensure the new system makes best use of local expertise and arrangements, and integrates into existing local structures and provision?

See the earlier comments about more effective integration with multi-agency provision, and the use of technology and rewards to encourage a more joined-up and transparent ecosystem.

Police and Crime Commissioners will play an integral role in our reforms. How best can we maximise their input/involvement and that of other key partners locally?

Integrate the local probation delivery of the retained public sector work into the PCC scope of influence and have the senior management of the retained service working closely with the PCC.

Plus, see other comments above about contract packages and scope to encourage shared goals - not conflicting ones with the PCC and other statutory delivery partners like the police, health and local authorities – more integration in MASH type working, too.

How can we ensure that professional standards are maintained and that the quality of training and accreditation is assured? A professional body or institute has been suggested as a way of achieving this. What are your views on the benefits of this approach and on the practicalities of establishing such arrangements, including how costs might be met?

We support the creation of a professional body and accreditation, but at two levels:

- 1 The individual practitioner
- 2 The employer/organisation in the ecosystem

1 The PCA has already started to establish a professional register and more work should be supported on that to open it more widely and start to set formal standards. That may be aligned with recognised standards and accreditations, although we would also encourage wider behaviours, practices and standards that include partnering, commercial skills development, use of technology, etc, beyond more traditional probation standards.

Probation work is inextricably linked to that of other agencies, yet we know that many staff and their partners have little understanding of what happens in the wider context.

2 My comments about Merlin above are clear. Professional standards should apply to employers (the delivery organisations) too, and they should be tightly integrated into contract selection, governance and on-going management. Many probation trusts have achieved EFQM and Merseyside Probation Trust has been the national winner in 2012 - the first time ever for a public service.

Many private providers and VCS providers do not have these standards and whilst some, like ourselves, have achieved ISO 27001 and other accreditations, they are expensive to achieve and probably beyond many other small SMEs.

However, for standards to rise, standards need to be set. EFQM, ISO and others offer a useful starting point beyond Merlin, and all providers should be encouraged to work towards them. I'd be keen to help more in this area.

Costs for accreditation should be met by the providers in the first instance (they will make longer term savings and get greater rewards of growth) and they should be equipped with more than a certificate - ideally the tools and techniques to deliver well. It might make sense for the government to prime the creation of the body and set the initial direction, perhaps allowing the industry to govern and evolve itself.

Merlin has not delivered on its promise and why this has happened needs to be considered. Other accreditations, such as EFQM, ISO, etc are well recognised and, whilst not entirely fit for complex ecosystem working, have merits to build on.

What role can the Inspectorate of Probation best play in assuring effective practice and a high standard of service delivery?

It depends on the role of the retained public sector probation arm. You want to avoid duplication of oversight into the wider service for obvious reasons, such as cost and distraction.

However, if Probation are not retained locally for oversight of the performance of contracts, and the centre is not able to do it well enough due to limited resources, then the Inspectorate could be encouraged to create inspections and audits that look more carefully at some of the points raised above, around effectiveness of the inputs and outputs of partnership working across the ecosystem as well as down the 'supply chain' - as well as some of the usual work being retained.

How can we use this new commissioning model, including payment by results, to ensure better outcomes for female offenders and others with complex needs or protected characteristics?

I am not an expert on female offenders or others with complex needs, but one assumes they need a broader service than is being proposed by just probation per se. This would reinforce my earlier comments about the need to engage the ecosystem of other statutory partners - and the best way to do that is to look at the shared outcomes, reward the bigger picture, and use collective budgets and work together in one place (eg pam) to achieve that efficiently and effectively.

Do you have any further comments on our proposals for Transforming Rehabilitation in this document?

There is much to improve in how probation work gets done, so we support the overall aims of change, but question some of the proposals on how to do it. It should be remembered there is much to applaud and retain in the service today, too.

Much of the improvement needed is in the ways of working, and we have tried hard to help that with pam and our partnership practices, and are proud of our contribution in recent years, despite the challenges of the out-dated IT that underpins the service.

Please don't throw the baby out with the bath water. Look closely at what works and what does not – there are some cracking examples in numerous Trusts of great practice when they have been left alone to get their job done.

Yes there are opportunities for taking out cost and waste from the service, but the bigger and longer terms gains are to be had from the following:

- 1 Equipping those who are involved with the best skills, tools and technology – its much cheaper in the long run
- 2 Remove bureaucratic central large IT provider systems that cost a fortune and deliver no value, indeed inhibit change and demotivate the workforce
- 3 Make sure that the whole ecosystem is connected and enabled – not just the probation part – that is where there are the biggest prizes.
- 4 Use the best partnership and relationship practices to drive change and engagement – this is not about a contract, as that is just the commitment on paper – we should also change the narrative to facilitate a more inclusive service. Without the right mechanisms (some of which are listed earlier) to drive and enable change then this will end in tears. With the right investments now, it could be a phenomenal opportunity to inspire the workforce and get society back on track at a much lower total cost.
- 5 Once this change has been made, give it time to stick and mature – we have seen countless changes in probation where the distraction to the service is immense and the value questionable, at times.