

## Transforming Rehabilitation - consequences for voluntary sector bodies

Under the Ministry of Justice's '[Transforming Rehabilitation](#)' (TR) programme, the government plans to transform the rehabilitation of offenders by sub-contracting probation services to Tier 1 (prime) contractors, who will in turn sub-contract services to other organisations including charities and voluntary sector bodies. The reforms will have a major effect on organisations working with offenders and will include the roll-out of payment by results, a new approach to offenders completing custodial sentences of 12 months or less and significant changes in the role of prisons.

The 35 Probation Trusts within the National Probation Service have been replaced by a single National Probation Service, which will be responsible for high-risk offenders, and 21 Community Rehabilitation Companies (CRCs), which will be responsible for the management of low to medium risk offenders. A tendering process was initiated last year for Tier 1 contractors to bid for ownership of the CRCs. The successful bidders were announced on 18 October 2014.

The Tier 1 contractors have built supply-chains in which to deliver various probation services, which are made up of a range of private, public and voluntary sector organisations, known as "Tier 2" and "Tier 3" sub-contractors. Negotiations have now begun between Tier 1's and their sub-contractors, with the aim of launching the CRC services in April 2015.

The Ministry of Justice has produced the "Industry Standard Partnering Agreement" (ISPA), which will form the basis of the TR sub-contracts. Russell-Cooke's charity and social business team has been working in conjunction with the charity Clinks, to provide legal advice and support to voluntary sector organisations on the terms of the ISPA, and the legal and operational issues for Tier 2 and 3 providers to consider when entering into negotiations with Tier 1 contractors. Clinks is an umbrella charity that supports voluntary organisations that work with offenders and their families. A number of guides and resources relating to TR and the ISPA can be found on the [Clinks website](#).

Clinks and Russell-Cooke are currently offering free legal advice\* to Tier 2 and 3 voluntary sector organisations that are in, or are about to enter into negotiations with Tier 1 contractors. This is funded through a grant from the Ministry of Justice. Please e-mail [TRHelpline@clinks.org](mailto:TRHelpline@clinks.org) if you are interested in accessing this legal support.

\* Up to 2 hours of advice is available to each organisation subject to availability.

For further information about TR or other sub-contracting issues please contact:

**James Sinclair Taylor**

Partner

+44 (0)20 8394 6480

[James.Taylor@russell-cooke.co.uk](mailto:James.Taylor@russell-cooke.co.uk)

**Hannah Lyons**

Associate

+44 (0)20 8394 6493

[Hannah.Lyons@russell-cooke.co.uk](mailto:Hannah.Lyons@russell-cooke.co.uk)

This material does not give a full statement of the law. It is intended for guidance only and is not a substitute for professional advice. No responsibility for loss occasioned as a result of any person acting or refraining from acting can be accepted by Russell-Cooke LLP. © Russell-Cooke LLP. March 2015