

# Impact Assessment



Assessment of: Non-renewal of the Community Safety Funding Agreement between Devon County Council and HM Prison and Probation Service.

Service: Integrated Adult Social Care

Head of Service: Solveig Wright (Deputy Director of Integrated Adult Social Care)

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Assessment carried out by (job title): Commissioning Development Officer

## 1. Description of project / service / activity / policy under review

This is an impact assessment of the proposal to not extend or renew a Funding Agreement between Devon County Council and HM Prison & Probation Service.

Devon County Council's Funding Agreement contributes to community safety by providing the Recipient, HM Prison and Probation Service, with funding to meet the following objective:

'The enhancement of community safety in relation to the rehabilitation of complex service users with a high criminogenic profile also including higher risk offenders following release from prison and move-on accommodation from Approves Premises, within the Devon County Council area'.

From 1<sup>st</sup> April 2014, Devon and Cornwall Probation Trust has commissioned its own specialist accommodation service which provides both accommodation and support to a range of offenders who may be on licence or other forms of statutory supervision. The people supported pay rent (with the help of Housing Benefit), and support is commissioned utilising the monies received through the Funding Agreement. The support hours provided through the specialist accommodation service assist service users in addressing issues that may prevent them fully re-integrating into society and assist in protecting the local community by reducing the likelihood of harm caused by repeat offending. The service has capacity to support a maximum of 19 people overall, with around 12 places purchased by the Probation Service at any one time.

The value of the Funding Agreement is £223,182.00 per year and sits within the Integrated Adult Social Care budget.

## 2. Proposal, aims and objectives, and reason for change or review

The proposal is to not extend or renew a Funding Agreement between Devon County Council and HM Prison & Probation Service.

A decision was taken by Devon County Council to enter into this 10-year Funding Agreement at a time of change for the Ministry of Justice and its Agencies with the publication in 2013 of the 'Transforming Rehabilitation – Strategy for Reform. The 10-year Funding Agreement began on 1st April 2014 and expires on 31st March 2024. The funding originated from the Supporting People Programme under which the Probation Accommodation Grants were merged into the Supporting People Programme funding in 2003; Devon County Council was in receipt of the Supporting People Grant. From 2010/11 Supporting People monies were subsumed into the overall Formula Grant paid to Local Authorities at a time when funding from central government was reducing as part of wider fiscal cuts.

Much has changed over the ten years since this Funding Agreement was put in place. The Government's 'Ending Rough Sleeping for Good' strategy (September 2022) sets out its ambition that 'no-one is released from a public institution to the streets' with actions to roll out transitional accommodation upon release, and the expansion of Approved Premises to be led by the Ministry of Justice. Funding for this element of community safety is not a statutory responsibility of the Council, it is a statutory responsibility of the Ministry of Justice and its Agencies. Housing Authorities are responsible for housing and homelessness, and the Probation Service (formally National Probation Service) manage high risk offenders.

## 3. Risk assessment, limitations and options explored (summary)

The decision to not extend or enter into a new Funding Agreement is not a decision to close the provision. If the Ministry of Justice are unable to find alternative funding or commission alternative arrangements, there is a risk that a decision by Devon County Council, to not extend or renew the Funding Agreement, could contribute to a decision by the Ministry of Justice to close the provision. This could have negative impacts for the people affected as they face substantial barriers to obtaining settled accommodation. The people affected may be recalled to prison, moved to approved premises outside of the Devon County Council geographical boundary, or alternative accommodation sought.

There are potential negative impacts on agencies for whom this is one of the resources available within the overall system, and members of the public for whom the system provides a degree of protection from these offenders.

A continuation of this funding would reduce the social care budget available to fund

statutory support the County Council must provide to vulnerable people with eligible social care needs.

Should the decision be made to implement this proposal, Devon County Council will give as much notice of the non-renewal of this Funding Agreement as possible to enable planning by the Ministry of Justice and Probation Service who have the legal responsibility for this service, as well as the District and City Councils who have the responsibility for Housing and Homelessness.

The impacts of the proposal would be monitored as follows:

Integrated Adult Social Care Commissioners have established Local Housing Forums where Devon County Council commissioners meet with housing leads in each of Devon's 8 District/City Councils, and where the proposal to not extend or renew the Funding Agreement can be discussed. Alongside this, there is a regular meeting where system leaders come together: 'Team Devon' – Leaders and Chief Executive, this is Devon County Council Leader of the Council and Chief Executive, and the Leaders and Chief Executives of the Devon's 8 District/City Councils.

In addition, the Ministry of Justice, and HM Prison & Probation Service will consider impacts as part of their decision making about the provision.

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#### 4. People affected, diversity profile and analysis of needs

The needs of people that the Funding Agreement has provided for are individuals aged 18 years and over. At the point the Funding Agreement commenced, this included people who were prolific offenders, had committed sexual offences, had committed arson and were a high risk of violence. The service has capacity to support a maximum of 19 people overall, with around 12 places purchased by the Probation Service at any one time. The sensitive nature of the service users means their diversity profile can only be accessed by the Probation Service and Ministry of Justice as the service commissioners with responsibility to ensure protection of the public and people on licence.

#### 5. Stakeholders, their interest, and potential impacts

The key stakeholders are Devon County Council, HM Prison & Probation Service, the Ministry of Justice, Exeter City Council, the District Councils of Devon, and Home Group Ltd - providers of the service. Further stakeholders are Devon Partnership Trust and the Safer Devon Partnership - whose priorities include, prevent and tackle hidden and visible harm, including offending and reoffending.

## 6. Additional relevant research used to inform this assessment

- Department for Levelling Up, Housing and Communities (2022). Ending Rough Sleeping for Good. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102408/20220903\\_Ending\\_rough\\_sleeping\\_for\\_good.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102408/20220903_Ending_rough_sleeping_for_good.pdf)
- Devon County Council (n.d). [Safer Devon Partnership - Communities](#)
- House of Commons Library, (2012). The Supporting People Programme. Research Paper 12/40. Available at: [Research Paper \(parliament.uk\)](#)
- His Majesty's Inspectorate of Probation (2020). [Accommodation and support for adult offenders in the community and on release from prison in England \(justiceinspectors.gov.uk\)](#)
- His Majesty's Inspectorate of Probation (2017). [Probation Hostels' \(Approved Premises\) Contribution to Public Protection, Rehabilitation and Resettlement \(justiceinspectors.gov.uk\)](#)
- MAPPA (Multi Agency Public Protection Arrangements) National Guidance [Multi-Agency Public Protection Arrangements - MAPPA \(justice.gov.uk\)](#)
- Berman, G. and Dar, A., 2013. Prison Population Statistics. Social and General Statistics. [online] London: House Of Commons Library. Available online).

## 7. Description of consultation process and outcomes

We have engaged with the following stakeholders:

Devon County Council has engaged with the Ministry of Justice and the local Probation Service since January 2022. Discussions have covered the historical nature of the arrangement, statutory responsibilities of probation accommodation services, and the financial challenge facing the County Council, and in doing so, a proposal to not extend or renew the Funding Agreement was shared and risks discussed.

Exeter City Council Housing Officers were made aware, in December 2022, that the Funding Agreement expires on 31<sup>st</sup> March 2024 and were advised to contact the Ministry of Justice and local Probation Service. More recent conversations have taken place between Devon County Council and Exeter City Council about this proposal, and we understand that Exeter City Council have also spoken with the Ministry of Justice. We have also shared this

proposal with Devon County Council members who have constituencies within the Exeter City Council geographical boundary.

Should a decision be made to implement this proposal, Devon County Council will give as much notice of the non-renewal of this Funding Agreement as possible to enable planning by the Ministry of Justice and Probation Service who have the legal responsibility for this service, with the relevant stakeholders, including Exeter City Council.

Despite the financial challenges facing Devon County Council - and while this is not a statutory responsibility of the County Council - Devon County Council will be honouring this financial commitment for the final year of the Funding Agreement.

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## Background information

### 8. Equality analysis

#### All residents by geographic area

This service funded by the Funding Agreement is only provided to a small number of people who meet its eligibility criteria, but it does form part of the overall community safety system.

If the Ministry of Justice are unable to find alternative funding, or an alternative approach, there could be a negative impact for those few people who use the service as they face substantial barriers to obtaining settled accommodation, they may be recalled to prison, moved to approved premises outside of the Devon County Council geographical boundary, or alternative accommodation sought.

There are also potential negative impacts on agencies for whom this is one of the resources available within the overall system, and members of the public for whom the system provides a degree of protection from these offenders.

The hostel plays a crucial role in being able to monitor high risk offenders within affordable costs due to the size and structure of the building. If the Ministry of Justice are unable to find alternative funding, or an alternative approach the lack of this hostel might stretch resources for surveillance, without which the person may be in unsuitable housing that does not facilitate close monitoring and management, reducing the rehabilitation of offenders.

#### **Potential mitigations for identified negative impacts:**

As Devon County Council has no statutory obligation to fund, or contribute to the funding of this service, the Local Authority will need to inform HM Prison and Probation Service, Ministry of Justice, and District/City Councils of Devon, of its decision with sufficient time for them to consider the mitigations of any negative impacts before the Funding Agreement expires.

A potential mitigation could be The Governments 'Ending Rough Sleeping for Good' strategy sets out the ambition that 'no-one should leave prison homeless or to sleep rough'. The strategy has assigned the Ministry of Justice to this commitment and accompanying policies.

These potential mitigations apply to all the protected characteristics outlined below.

### **Age**

This service funded using the monies received through the Funding Agreement only applies to people aged 18 years and over.

### **Care Leaver/Care Experienced**

Children in care and care leavers are overrepresented in the Criminal Justice System; it is estimated that over 24 per cent of the adult prison population has previously been in care, (Berman et al. 2013). Although not all of these adults will be care-leavers age 18-25 and open to their local authority. For care leavers leaving custody they may also be more likely to require transitional accommodation, as they may be more likely than other young people of the same age not to have family or friends that they can safely return to live with. Care Experienced Young People with offending history are at the highest risk of homelessness and related challenges.

### **Disability (includes sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people**

The funding doesn't directly support people with a disability, but disability may be part of the service user profile, in which case this would need to be considered by the service Provider and Ministry of Justice.

### **Race and culture: nationality/national origin, ethnic origin, skin colour, religion and belief, asylum seeker and refugee status, language needs**

This funding doesn't directly support people of different ethnic backgrounds and cultural needs, but they may be part of the service user profile. The Provider and Ministry of Justice would need to take this into account within the service provision.

## **Sex and gender identity and reassignment (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)**

The funding doesn't directly support this protected characteristic, but sex, gender and gender identity will form part of the service user profile, The service this Funding Agreement contributes to is likely to support more men than women as many hostels are single-sex accommodation, mainly supporting men. The Provider and Ministry of Justice would need to take this into account within the service provision.

## **Sexual orientation, and marriage/civil partnership if work related**

This funding received through this Funding Agreement doesn't directly support this protected characteristic, but due to the nature of the secure accommodation the service is likely to support single people. The Provider and Ministry of Justice would need to take this into account within the service provision.

## **Other relevant socio-economic factors and intersectionality**

There is a clear correlation between socio-economic factors and levels of offending. Ex-offenders face significant barriers to settled accommodation and to accessing employment, the absence of one or both can increase the persons likelihood to re-offend.

## **9. Human rights considerations:**

This Funding Agreement is Devon County Council's adult social care contribution to the wider local authority system for community safety. Whilst the non-renewal of this Funding Agreement is not a decision on the future of the service, to not extend or renew the Funding Agreement may constitute a negative impact in terms of Human Rights, for which the mitigation is to provide a reasonable, fair and proportionate period of notice of the Council's decision to the agencies who have this statutory responsibility, so they can plan accordingly.

This funding delivered through the Funding Agreement supports individuals to be more independent and empowered by supporting their integration back into communities after being in prison. There is a clear correlation between health, wellbeing, protection from harm and criminal behaviour, and this Funding Agreement was contributing to community safety and good health and wellbeing. Criminal behaviour often results in people being disconnected from communities and this Funding Agreement counteracted that, supporting integration back to the community. If the Ministry of Justice are unable to find alternative funding or an alternative approach, there may be a negative impact on: people's connections and involvement in community activities, in keeping people safe, protected from harm and with good health and wellbeing, and in terms of the promotion of independence, wellbeing, and resilience.

## 10. Environmental analysis

<b>Devon County Council's Environmental Review Process</b>	N/A
<b>Planning Permission</b>	N/A
<b>Environmental Impact Assessment</b>	N/A
<b>Strategic Environmental Assessment</b>	N/A

### **Reduce, reuse, recycle and compost**

N/A

### **Conserve and enhance wildlife**

N/A

### **Safeguard the distinctive characteristics, features and special qualities of Devon's landscape**

N/A

### **Conserve and enhance Devon's cultural and historic heritage**

N/A

### **Minimise greenhouse gas emissions**

N/A

### **Minimise pollution (including air, land, water, light and noise)**

N/A

### **Contribute to reducing water consumption**

N/A

### **Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level)**

N/A

### **Other (please state below)**

N/A

## 11. Economic analysis

Criminal behaviour sits at the core of the intersection between economic, social, and environmental considerations, which this Funding Agreement was one way of addressing.

If the Ministry of Justice is unable to secure funding to continue the service, or unable to commission a different approach to supporting the individuals affected, there is a risk that



the expiry or non-renewal of the Funding Agreement may not improve the economic, social and environment well-being of the Devon County Council area.

### **Impact on knowledge and skills**

The decision to not extend or enter a new Funding Agreement is not a decision to close the provision. This decision rests with the provider and the Ministry of Justice. If the people employed to deliver this service are made redundant then the knowledge and skills, they have may be lost with a resulting negative impact. A potential mitigation is redeployment by their employer.

### **Impact on employment levels**

The decision to not extend or enter a new Funding Agreement is not a decision to close the provision. The staff employed to deliver this service by the Provider may be at risk of redundancy and may impact negatively on employment levels. A potential mitigation is redeployment by their employer. This decision would rest with the provider and the Ministry of Justice.

### **Impact on local business**

Neutral Impact