

Voluntary Sector Roundtable on learning from the Prison Education Dynamic Purchasing System

10th July 2019

Clinks and the Prisoner Learning Alliance chaired a meeting with Her Majesty's Prison and Probation Service (HMPPS) and Ministry of Justice (MoJ) representatives and voluntary sector organisations using the prison education Dynamic Purchasing System (DPS). The meeting was held under Chatham House rules and this note provides a summary of discussions.

Introduction

The purpose of the meeting was for the MoJ/HMPPS to provide updates on the DPS, for voluntary sector organisations to provide feedback from people using the DPS, and for voluntary sector organisations to feed into thinking about the forthcoming probation reform and plans for the dynamic framework.

Background and update provided by HMPPS and MoJ

MoJ and HMPPS welcomed the opportunity to hear feedback regarding the prison education DPS. The DPS was designed to meet learner need and allow flexibility. Staff training did take place before the system was launched, however representatives stressed that this takes time to take effect and reach everybody. Challenges around embedding the new PEF contracts have taken time and energy for prison staff, and this has been a key focus. 75 DPS contracts have been agreed so far, at a value of £6.1m. 29 of these contracts are for IAG (Information, Advice and Guidance). There are £7.8m worth of contracts currently in process (bids being written, currently open, submissions under evaluation) and approximately £2m are still to be commissioned.

MoJ/HMPPS are taking actions to try to alleviate the challenges for prison staff around using the DPS and to encourage staff to commission education services. These include:

- A weekly newsletter that is going out to prisons containing training guides and contact points for staff regarding the DPS.
- Intranet with supporting information for staff - templates, user guides, and training materials.
- Learning and Skills Managers are receiving face-to-face training on Bravo and the Commercial process so that the process can be more efficient. Staff are also getting used to the E-Source portal, and better user guidance and usability is being rolled out.
- 'Super users' - team of learning and skills managers who can cascade training and support colleagues in other establishments
- A user helpline to assist people who may be having difficulties when using DPS
- There is a dedicated support team for the DPS and it is building its knowledge, understanding and competency of the system.

DPS Experience and feedback

Organisations using the DPS said that the system is straightforward to navigate, but raised concerns about:

- Mobilisation time being too short
- Uncertainty over the budget and managing pipelines
- The timescale of submitting questions and helpfulness of responses
- Transfer of Undertaking (Protection of Employment) (TUPE) information not being available
- Confusion about what communication is possible outside of the DPS process, and replies coming directly from prisons.

The following clarification was given from the MoJ/HMPPS:

- HMPPS staff in the relevant Establishment are responsible for responding to clarification questions, having sought advice from the Commercial team if needed.
- The DPS process should take ten weeks from the day the specification is launched on Bravo.
- There is a time limit of 15 working days to evaluate bids and notify providers.
- All specifications are approved centrally by the Commercial team.
- There is work in place to improve the pipeline planning so that organisations on the DPS are aware of what is going to be occurring in 6-12 months' time, and there is greater visibility about forthcoming opportunities.

Discussion on part or co-funded and fully funded projects

Service providers explained that some projects running in prisons have, in the past, been part funded, match funded or subsidised by grant or other funding. It is challenging for organisations to manage and plan for match funding, in the form of grants, if they do not know if they will be successful in winning contracts on the DPS. Consequently, funders have become less involved and engaged in this sector. It was noted that this is a significant concern and that we saw a similar process following Transforming Rehabilitation (TR). Funders are also less likely to fund services seen as core. Organisations may have to return grant money that they have received from funders if they cannot access contracts through the DPS.

The meeting sought to clarify how programmes which are fully funded from charitable or other sources, fit within the DPS. Confirmation was given that fully funded projects do not need to be managed through the DPS. There is currently some confusion about this and it would be helpful for both prison and service providers to have better information and clarification on this.

Length of contracts

The length of DPS contracts (up to 12 months) is also a concern. The reason behind this contract length was to drive dynamism and innovation, and to differentiate services from PEF provision. However, this length is proving to be a disincentive to some providers, preventing them from bidding as it is not appropriate for all services. There is some current confusion about whether contracts can run into the new financial year. MoJ/HMPPS confirmed that this depends on the information in the original specification,

but it is possible. The part of the contract running in the new financial year is then funded through the next year's budget.

HMPPS and MoJ committed to review the concerns relating to part funding and contract length and explore possible options around these.

There is a concern that there may be underspending on DPS this financial year, and there is no mechanism for money to be rolled over into the next financial year. HMPPS and MoJ are proactively supporting the DPS process to ensure that this does not happen. A Learning and Skills Board is being established to look at spending and future commissioning.

Lessons from DPS experience for probation reform and dynamic framework

The meeting heard an introduction to the dynamic framework, the proposed system for commissioning resettlement and rehabilitation services under the new probation model. Consideration is being given to contract length, with a range of options to be made available. The qualification process system will be straightforward, based on the Standard Selection Questionnaire (SQ) and tailored for probation, as organisations will detail their experience and expertise and geographical areas they wish to work in, which can be amended or expanded at any future point. Should suppliers seek to amend or expand their offering, they will be required to notify the MoJ and further qualify if applicable. The payment system will also be flexible, include contracts and grants, with the most appropriate option selected depending on the service being offered. It will not be a 'one size fits all' system.

The categories of services are similar to the reducing re-offending pathways, but will broaden and can evolve over time. Cohorts are also being considered for use on the probation dynamic system e.g. women, BAME people etc. It will be possible to bid individually, as a consortium or to subcontract services; those organisations seeking to bid in consortium will be subject to the qualification process. A decision has not been made regarding whether to have market share caps or not. This is still under review because of the potential for some large-scale contracts.

In relation to pipelines, there will be a need to get programmes in place for day one of the new system. After this, there will be ongoing contracts coming through the framework. There is ongoing work regarding communicating commissioning intentions and the development of regional structures. There is also a need to ensure that the transition from the current system to the new one occurs as smoothly as possible, with systems and structures set up in good time before going live.

Lessons around the education DPS for the new framework:

- Ensuring enough support, time and training for staff who will be commissioned
- Accountability measures (regional/local etc.) should be clear
- Ensuring central/regional teams and infrastructure are set up before system goes live
- Have pipeline information available for service providers

HMPPS/MoJ teams welcomed the feedback provided and the discussions in the meeting and committed to ongoing dialogue with the sector.