

BOARDS AND THE PROBATION ESTATE

PBA SURVEY REPORT FOR THE PROBATION ESTATE STRATEGY BOARD, JANUARY 2008

A Introduction to the PBA

i) The Probation Boards' Association (PBA) is the national body for the 42 local Probation Boards in England and Wales. The PBA represents the interests of Boards, and works on their behalf, in issues of employment, governance, partnerships and community engagement.

B Background to this Report

i) On 7th September 2007, PBA Chief Executive Christine Lawrie wrote to the Programme Director for Prison and Probation Estates in the Ministry of Justice (MoJ) setting out a range of concerns in respect of the new arrangements resulting from the previous Home Office Estates Review for the management and maintenance of the probation estate. These concerns, which had been articulated to the PBA by a number of local Boards, were in relation to the following matters:

1. The capacity and appropriateness of the MoJ's Estates Planning and Development Unit (EPDU) to act as the "briefing client function" for all 42 Boards, whereby EPDU would assist Boards to articulate their property needs and negotiate the meeting of these with the new shared service provider - Home Office Property General (HOPG).
2. The silo structure of HOPG and the loss of the previous arrangement of a single point of contact for property matters for each Probation Area.
3. The lack of clarity and transparency about how the new arrangements were to be funded and apparent lack of any significant budget devolvement to Boards.
4. The basis upon which the contracts to underpin the new arrangements were being let and the lack of any comprehensive consultation with Boards in this respect.

ii) On 30th September 2007 Charlotte Copeland, the Programme Director for Prison and Probation Estates and Head of EPDU, replied to the PBA's letter with the following assurances:

1. The central Briefing Client Function had been proven to work in other areas of Government and the lead manager for probation within EPDU was experienced in probation issues.
2. The Head of HOPG was willing to explore alternative arrangements to facilitate service provision, such as regional liaison points.
3. A budget for additional works up to the value of up to £2k per job had been delegated to HOPG and some Area business cases covering emergency works had been approved and were being progressed.

4. Contract specialists within NOMS had assured EPDU that the new Facilities Management (FM) contract offered better value for money than the previous arrangements.

iii) Following this correspondence, which was circulated to Boards, the PBA continued to receive representations about property issues from Boards. At the PBA Council meeting held on 8th November 2007, the PBA was asked to survey all 42 Boards so as to ensure that the Association's further work on this matter was as well-informed as possible and in particular through its membership "by invitation" of the MoJ's Probation Estate Strategy Board.

C Survey Methodology and Results

i) Boards were surveyed by e-mail during November and December 2007 and 31 Boards (74%) made a response. These included all seven Metropolitan Areas, three of the four Boards in Wales and four of the six Boards which have been selected as First Wave Trusts.

ii) The key findings of the survey are as follows:

- a) 2 Boards recognised recent improvements in aspects of property services provision in their respective Areas. Here, one respondent commented that such improvements had been realised largely as a consequence of its own Area's efforts as well as those of NOMS.
- b) 1 Board explicitly welcomed the creation of the strategic briefing client role performed by EPDU.
- c) The overwhelming majority of all other Boards reported a set of negative views about and experiences and a significant minority were not hopeful that the new arrangements being put into place would bring about a material improvement. The range of issues and concerns reported by respondents were:

*The structure of the new arrangements, which splits control over work undertaken between the Ministry of Justice and the Home Office

*The complexity and bureaucracy of the HOPG structure and the lack of clarity about the role of its various functions

*In relation to the tendering of the new contracts, a lack of any meaningful consultation with Boards on service specifications and a general lack of information about this process e.g. what provisions are in the Facilities Management contract for each Area

*The lack of an appropriate (local or Regional) Briefing Client Function to liaise with Areas and deliver property services effectively to Areas

*Long delays, or complete lack of progress, with completing on the acquisition of new premises/refurbishment/essential works projects (for which funding had previously been assured by Home Office Estates), representing serious business and reputational risks to the service and to public protection

*Multiple outstanding building maintenance and/or improvement works, resulting in unacceptable working conditions for staff and offenders

*The approval by the centre of only basic repairs to a value of £2k per job, with Areas having to pay for other works themselves when this can be afforded

*Little or no communication from Home Office Property General (HOPG), both in general and specifically in respect of the submission by Areas of ASR (Accommodation Service Request) forms; there is also a lack of clarity about the ASR process itself and a consistent view that the existing ASR form is inappropriate for probation's purposes

*The often exorbitant charges required by Facilities Management contractors and the poor quality of work carried out

*Contractors who are slow to respond, are very poorly briefed about working in probation premises and ill-equipped to do the work required

*A lack of clarity at the centre about who is responsible for making payments to contractors, with no one taking ownership and the same issues arising each time a payment is due.

*No progression of works agreed in relation to the Disability Discrimination Act (DDA)

*An inability of the centre to respond swiftly to major incidents which have property implications

*Lack of transparency by the MoJ about the level of capital and revenue expenditure on property and how it has been allocated

*A desire for responsibility for Estates and Facilities Management to be returned to Areas

*The apparent lack of consideration by NOMS of alternative contract options, such as for buildings which an Area shares with other CJ agencies that result in multiple sets of FM contracts being in place.

d) Many respondents made supporting statements and these have been reproduced verbatim below:

- "I am concerned that the new arrangements in place at national level are insufficient to meet the demands of the Service at even the most basic level".
- "We believe the management of property by the centre and the associated provider contracts has been woeful and have now lost the plot as to who is responsible for what in NOMS as far as the probation estate is concerned".
- "No one knows who deals with what. The means to achieve change (however small) have disappeared".

- “We have recently been advised by EPDU that because of very poor accounting records and a complete lack of governance arrangements made by NOMS in approving previous capital projects they have been unable to agree any further decisions until these have been clarified. This is very difficult to explain to staff locally who have been working in very poor conditions for many years and see no sign whatsoever of progress”.
- “There is little contact with Probation Areas, either from the Centre or from the Estates Management Contractors, and communication systems are poor to non-existent. We heard recently that someone on behalf of HO Estates was conducting a search for premises for Probation in our Area. We were unaware of that search and no-one had been in touch to check on the requirement or liaise with us. Even now, we have no means of contacting those involved, whose name and contact details are unknown to us. We spend much time and effort on searching for locations to replace unsuitable premises, but it turns out to be entirely nugatory”.
- “In moving to Trust status...responsibility for Estates and Facilities Management should be returned to Areas...we could do things with better value for money and more quickly than under the current arrangements. The money saved could then be spent on offender-facing services to avoid the substantial staff cuts required over the next three years”.
- “Chief Officer and Board frustration is at boiling point...the viability of our project is now seriously threatened by delay, with no prospect of a commencement date”.
- “In general, the condition of our premises has deteriorated since the Area lost its responsibility for property maintenance...particular offices are disgusting and not good for our officers to work in...we have concerns about health and safety, accessibility and compliance with current standards. The current situation is very frustrating”.
- “We have over 100 additional works jobs outstanding (as at 5.11.07)...many of these are health and safety related and have been outstanding for weeks, months and in some cases years. Our staff survey results provide evidence that staff continue to be dissatisfied with the standard of the office environment...our offices are shabby, dirty and in need of much attention and our staff deserve more”.
- “If we cannot improve our estate we consider our operational capability will be seriously compromised – we already interview offenders in corridors at peak times. The Board has attempted to declare an unsuitable building surplus and return it to the centre...the NOMS arrangements do not allow us to do this, so we continue to pay for a building we do not want or need”.
- “The continual shortage of money means that it is impossible to adapt our buildings easily and quickly in line with our business needs. How can we write a three or five year Business Plan without an effective Estates Strategy? To date, the service we have had from HOPG has been extremely poor and we are only in the transition stage (of the new arrangements)”.
- The quality of sub-contracted work has been poor. When challenged, we have only seen progress by repeated escalation to the highest levels in HOPG. There appears to be little rationale for the creation of HOPG. This much larger organisation has resulted in loss of knowledge about our local buildings. The business case remains unclear and seems to have resulted in a reduced level of service”.

- “The single point of contact has been lost as HOPG is divided into a number of functional departments...the result in this Area is that not one single requested improvement has been completed by HOPG to date”.
- “The ludicrous situation of contractors spending large amounts of time travelling from their Northern bases is hardly cost-effective, with most time spent in transit rather than working on site...quite often we could have achieved successful outcomes far quicker by resorting to local contractors under the former local arrangements”.
- “The lack of control and frustration for local property managers is very demoralising”.
- “With the move to a single briefing client function that represents all 42 Areas (and Prisons) one fears that this will substantially dilute the voice of an Area. Areas will effectively be shouting in a much larger crowd for their respective needs and priorities. An immediate aid would be to simply increase the current £2,000 limit (for approving works)”.
- “I am not clear whether or how it is intended that the new FM contract will have no financial effect on Boards. I do find it worrying that a figure of £5m is being quoted to run a central helpdesk which in turn will communicate with the contractors’ helpdesks...we need a lot of convincing that HOPG have really grasped the nature of the probation estate and operational issues”.
- “The great commitment of individuals within both EPDU and HOPG is hamstrung by crucial structural failings in organization and resources...it is inconceivable that one or two people located in the MoJ could fulfil the role of intelligent client for all 42 Boards with all their diverse and unique needs”.

D A Strategic Framework for the Probation Estate

i) During the course of conducting this survey, EPDU has undertaken a consultation exercise with Boards and other stakeholders on both the Terms of Reference of the Probation Estate Strategy Board and a Probation Estate Strategic Framework. The outcomes of the consultation are due to be considered at the next meeting of the PESB on 9th January 2008. In essence, the aim of the Framework is to have a coherent strategy for the development of the Probation Estate.

ii) Two respondents to the PBA survey recognised this consultation exercise and commented as follows:

- “The recent paper from EPDU is a welcome recognition that the system for managing the probation estate is in a mess. Hitherto, that has been denied; at least now that it is accepted that change is needed, we may be able to work together to make some progress”.
- “The (EPDU) team appear to be attempting to solve long-term problems in a consistent and sensible way...it is my belief that we should support them to do this as quickly and efficiently as possible”.

iii) As member of Probation Estate Strategy Board the PBA broadly welcomes the Strategic Framework as a first step to making the Probation Estate fit for purpose and also the important proposal to enhance the membership of the PESB with Chief Officer, Board Chair and Area Property Manager representation. At this stage, the PBA is concerned that the Framework appears to lack two significant aspects which have been highlighted in responses to this survey. These are:

*Consideration of a “local” (Area or Regional) Briefing Client Function, and

*Consideration for Boards (and Trusts) to have a degree of managerial and financial control over property arrangements.

E Recommendations

i) The members of the Probation Estate Strategy Board are asked to:

a) Consider the findings of the PBA survey as set out on pages 2 to 5 of this report.

b) Within the context of the development of the Probation Estate Strategic Framework, work towards a set of arrangements which are focused primarily on addressing the property needs of Boards and Trusts and which could therefore include the following:

*A local Briefing Client Function which enables Board and Trusts to articulate their property needs, monitor the delivery of property services and hold HOPG (as the service provider) and its contractors to account for the quality and cost of those services

*At least a degree of managerial and financial control by Boards and Trusts

*Transparency of overall budget levels and greater levels of budget delegation from EPDU to HOPG

*A simplified HOPG structure which re-establishes a single point of contact for each Probation Area

*Effective and efficient communication between all parties to the arrangements and in particular between Boards/Trusts and HOPG and its contractors

*Contracts and service specifications which are accessible to Boards and Trusts and define clearly the nature of the services to be provided for each Probation Area

*A condition survey of all Probation Areas (borrowing from existing Area Estate Strategies where appropriate) and publication of a planned maintenance programme

*A longer-term capital investment programme

*An EPDU properly resourced to undertake its strategic role.

Mike Caldwell
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