

CLINKS

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Harnessing voluntary and community sector resources to help reduce reoffending in Gloucestershire - a framework for commissioning.

March 2011

RZ Hankins Consultancy



working at the interface between the sectors

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Executive Summary

This framework provides guidance on how the resources of the voluntary and community sector (VCS) can be harnessed to help reduce reoffending through improved and joined-up commissioning between the Integrated Offender Management (IOM) partners in Gloucestershire.

It was researched and written as part of a five month pilot project funded by the Home Office through CLINKS, under a programme entitled 'Innovative VCS Involvement in Integrated Offender Management Arrangements'.

Commissioning has been defined by the Sector Skills Council for Central Government as "securing the provision of public services which best meet agreed needs and outcomes within available resources".

This is a framework through which IOM partners can engage the VCS, pool existing resources and work together in the next few years to establish what kinds of interventions and support services are most successful in reducing reoffending. The learning about what works will then inform future commissioning - which could well be based on 'payment by results' from 2015. As the Gloucestershire IOM partnership is relatively newly-formed, it is necessary to identify who the commissioners will be, and to give them the responsibility for creating a complete picture of offenders' needs.

The emphasis in this report is on accurate needs assessment that involves both the voluntary sector and offenders themselves, and on agreeing what outcomes the VCS are best placed to deliver. Recognising the strengths of both the statutory sector's approach to criminal justice and the VCS's complementary role in providing services to offenders is highlighted as a necessary step to overcome cultural and other differences in approach that naturally arise between the sectors.

The commissioning cycle is shown to be much more than the act of procuring services, and is set out in a diagram which illustrates the stages in the process, which are:

- assessment of need
- identifying resources, planning and prioritising how to use them
- arranging service delivery through a procurement process
- monitoring and reviewing service delivery and its outcomes.

It is proposed that the IOM cohort of the most prolific and repeat offenders be the 'test bed' for assessing the VCS's contribution to reducing reoffending via 'trial investments' to establish what works in reducing reoffending, in preparation for a future 'payment by results' funding regime. However, the principles in this framework are also applicable in the wider context of any commissioning carried out by the Gloucestershire Stronger Safer Justice Commission (GSSJC).

Following the guidance in this framework and acting upon its recommendations will strengthen and enhance the VCS's involvement in local IOM arrangements, and ensure its resources are harnessed in Gloucestershire.

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Introduction

From November 2010 to March 2011, Gloucestershire was one of four national pilot projects funded by the Home Office through CLINKS, under a programme entitled 'Innovative VCS Involvement in IOM Arrangements'.

This report is the main output of one of the strands of this project - the overall aims of which were to achieve enhanced voluntary and community sector (VCS) involvement in local Integrated Offender Management (IOM) arrangements, specifically:

- better linkages between VCS and statutory partners to implement IOM
- an increased level of VCS input into IOM
- involvement of smaller VCS organisations that have not so far engaged with the criminal justice agenda.

A commissioning framework

This report is styled as a 'commissioning framework' rather than a 'commissioning strategy' because it takes account of the preparation to be done by the statutory partners which make up the newly-formed IOM partnership, and by many VCS organisations in getting ready to be contracted to work with offenders. It includes some commentary on issues that are currently 'live' in the county, that arose during this CLINKS/IOM pilot project. It also responds to the request by various statutory Criminal Justice staff for a practical guide to getting ready for commissioning. This framework is intended to be a complementary resource to support the county's emerging Reducing Reoffending Strategy.

It was written at a time when the Gloucestershire Stronger Safer Justice Commission was being set up (Feb 2011) and well before the new Police and Crime Commissioner will take up office (2012). These two developments will be key to progressing the work recommended in the report, and paving the way for joint commissioning of the VCS to happen in practice.

This document explains the commissioning cycle and poses questions for the county's statutory IOM partners and VCS to discuss - both separately and together. Benefits and risks are considered from both statutory and voluntary sector standpoints. The report highlights the importance of involving the VCS and offenders in evaluating existing services and designing the specification for new ones. It emphasises the need to develop both the purchaser and provider roles. The difference between procuring universal open access services, specific services for offenders and spot-purchasing to meet individual needs is also set out. It offers four options for engaging the VCS - is it to work with offenders, reduce offending in general, reduce reoffending or reduce the *risk* of reoffending?

Assumptions

There are four underlying assumptions to this report:

- good commissioning is essential to making the best use of resources
- the VCS can add value to the work of its statutory CJ partners and improve outcomes for offenders

- statutory partners will want to invest in services and interventions that work - ie that will contribute to reducing reoffending in the county
- so far, there has been little research to amass local evidence about 'what works' in terms of VCS services contributing to reducing reoffending.

This report presents a framework through which IOM partners can engage the VCS, pool existing resources and work together in the next few years to establish what kinds of interventions and support services are most successful in reducing reoffending. The learning about what works will then inform future commissioning - which could well be based on 'payment by results' from 2015.

Following the guidance in this framework and acting upon its recommendations will strengthen and enhance the VCS's involvement in local IOM arrangements, and ensure its resources are harnessed in Gloucestershire.

Funding for new services?

No assumptions have been made about the availability of resources to fund new services at this time. This framework provides guidelines for good practice in commissioning the VCS - whether or not there is any money to take it forward from theory into practice locally, now or in the future. The emphasis is on the fact that commissioning is a much more comprehensive process than procurement - the purchase of services.

Although the focus of this report is on commissioning by the statutory IOM partners for work with the IOM cohort (in accordance with the brief for this pilot project), the intention is for its principles to have wider application for the GSSJ Commission and its member agencies in the future.

Who is this report for?

The readership of this report is anticipated to be:

- IOM statutory partners - Gloucestershire Probation Trust, Gloucestershire Police and Prisons
- Gloucestershire Stronger Safer Justice Commission members
- the Director of Offender Management office for the South West
- the Home Office
- the county's VCS, and its representatives on the Gloucestershire IOM Board and the GSSJC
- the voluntary sector 'infrastructure' which supports the VCS: in particular GAVCA and, nationally, CLINKS.

Context

There is a high degree of uncertainty surrounding the Government's intentions to open up the criminal justice 'market' to competition and reduce costs - namely, what the practical implications will be locally and how long it will be before these are known. The one certainty is the Government's intention to involve the VCS in

providing public services. More detail on the national and local context can be found in Appendix One, but the main points are listed briefly below:

Nationally:

- the Green Paper 'Breaking the Cycle' and the Rehabilitation Revolution
- the Government's competition programme to reform CJ services and develop the provider market
- social investment bonds and payment by results pilots
- the personalisation of services for individuals
- the Big Society agenda
- the Localism Bill
- Total Place and community budgeting initiatives.

Locally:

- the establishment of the GSSJC
- the Police and Crime Commissioner (2012)
- pilot services for offenders via this CLINKS/IOM project
- existing work with offenders by several voluntary and community organisations (VCOs) in the county.

Responding to the context

In uncertain times, the temptation may be to wait and see what is required locally by the Government, and to await the arrival of the Police and Crime Commissioner in 2012. However, these uncertain times could instead be seen as the ideal context for IOM partners to improve and join up commissioning of the VCS to support their statutory duty to reduce reoffending. IOM partners can use the intervening years to establish what works, so they will be in a better position if and when required to use this method to commission local services in future.

The joint working that took place within and between sectors that resulted in the county's Probation Housing and Support Strategy and this Home Office funded CLINKS/IOM project forms the ideal foundations to build on.

Using the IOM cohort as the 'test bed' makes the exercise of improving and joining up commissioning fairly straightforward as it is limited to a certain number of offenders in the county. This learning can then inform the GSSJC's broader-based approach to joint commissioning.

How does the VCS add value?

In spite of its size, spread and economic impact many people still do not really know what it does, nor what it adds. The Good Commissioning Guide for Gloucestershire explains its role and added value very well:

"VCOs play a number of roles and have a range of functions, including:

- delivering services
- advocating and lobbying on behalf of local communities and individuals

- facilitating community, economic and international development
- engaging with people in local communities, and those who may have difficulty shaping or accessing local services
- developing new ways to meet the needs within their communities.

VCOs can enable commissioners to develop a wider range of services, to develop a wider market-place of providers, and to ensure that services are delivered to 'hard to reach' groups in local communities. They use their knowledge of specific needs and interests to develop niche services for people in communities with specific needs.

VCOs contribute significantly to the economy and life in the county. Working within local communities, they help to bring people together, build good relationships within communities, and help people to feel they have a valuable and active role to play. This is sometimes called 'social capital' because it contributes to community cohesion and local democracy.

VCOs have considerable knowledge and expertise about their areas of work, and so can contribute to the development and delivery of services through local partnerships. They can enable a more thorough commissioning process and better outcomes by:

- providing information to inform local needs analysis
- engaging with people who use services and people in communities in which services are delivered, to inform the design of local services and service outcomes, as well as service evaluations
- arranging local consultation events and promote awareness of local or county wide strategic issues."

It is worth remembering that the Probation Service began life as a voluntary organisation in the 1870s.

What can the VCS contribute to IOM?

The overall aim of the pilot project, of which this framework forms a part, is to achieve enhanced VCS involvement in local IOM arrangements, specifically:

- better linkages between VCS and statutory partners to implement IOM
- an increased level of VCS input into IOM
- involvement of smaller VCS organisations that have not so far engaged with the criminal justice agenda.

Integrated offender management is a system that provides all agencies engaged in local criminal justice partnerships with a single coherent structure for the management of repeat offenders. Therefore, the enhanced involvement should be at all stages of the commissioning cycle, including:

- at a strategic level, with continued and supported VCS involvement in the IOM Board
- at the operational level, namely in working with offenders.

As both of these kinds of involvement exist already, *enhancement* is the key word going forward.

Both the VCS and CJS want to see the same outcome - offenders becoming stabilised and rehabilitated in the community, but is the role of the VCS to do the same work as the statutory CJ services, or to provide a complementary one? VCOs which already work with offenders identified the following contributions which are complementary to the work of the CJS:

- offering 'client choice' and a wider range of services than offered by CJ's in-house programmes
- motivating offenders and others to look at offenders' positive attributes and build on them
- offering a 'carrot' to reduce their reoffending by not being part of the enforcement process (the 'stick').

However, a lack of clarity on the differing roles underlies many of the areas of tension between the VCS and CJS which are highlighted in this document. One example is the differing approaches to risk assessment - a VCO uses a person-centred approach which enables the offender to identify his/her own risk 'triggers' then gives support to manage these. The recent review of the Atlas Project also revealed other key differences: the VCS provider saw offenders' engagement as voluntary, but CJ staff did not. A shared understanding was then reached about the differing roles: the 'personalised' Atlas approach is about offenders having choice and control, so the project is not meant to enforce but, instead, motivate them to engage.

It is vital that the statutory and voluntary sectors discuss and agree the roles and thus the expectations on the VCS to use either identical or complementary approaches. There seem to be four possible outcomes from VCOs working with offenders - the consideration of which will help to inform this debate:

- providing services to offenders, which may or may not directly relate to or reduce their offending behaviour
- reducing reoffending amongst the IOM cohort
- reducing the *risk* of reoffending, as measured by OASys scores
- reducing offending in general in the county.

This report is based on the second assumption.

In preparing this report, many conversations were held on this very subject - resulting in widely differing responses between and within the two sectors about what the involvement of the VCS should be. The details of these are represented in Appendix Three, but the main themes included:

- some CJ staff felt that 'providing services to offenders' doesn't necessarily help reduce reoffending, which is the purpose of IOM
- some VCOs felt that they are experts in their fields (eg working with families, counselling) not at changing offending behaviour, so it may not be appropriate to task them with reducing reoffending as an outcome

- other VCOs in the county are already achieving the outcome of reducing reoffending as part of their CJ-funded contracts, or are confident that their work in resettling offenders into the community with secure housing and personal support has a beneficial effect on reducing their offending behaviour.

Once this discussion has been held between the sectors, there may be consensus around one of the four outcomes listed above - or it may be that any one of those could be required in different contracts, depending on the circumstances. Consensus also needs to be reached regarding 'identical or complementary' techniques and approaches. The main point to note is the vastly differing opinions even within each sector, and hence the need for discussion and debate.

Getting ready for commissioning

It is vital that the statutory sector IOM partners recognise and embrace their role as commissioners, rather than direct deliverers of services (in line with Government policy for all public services). Although the VCS, and indeed offenders too, have roles to play within all stages of the commissioning process, the responsibility to lead it belongs with the statutory sector.

As stated in the introduction, there is much work to be done by the statutory sector and the VCS in Gloucestershire to put this framework in place, as part of the drive to improve and join up commissioning between Police, Probation and the Prisons. The statutory IOM partners have openly stated that they are not experienced at commissioning, and are therefore keen to receive guidance in the form of a document such as this, which points to areas of development as well as presenting a framework for good commissioning.

There are several county-based VCOs which already work with offenders and are fully aware of the requirements of the CJ system. However, some county VCOs were less aware of their state of unreadiness to work within the statutory criminal justice procedures - as one CJ officer put it 'they don't know what they don't know'. One of the aims of this commissioning framework (through the CLINKS/IOM pilot) is to influence an increase in involvement by VCOs which have not so far engaged with the CJ agenda.

The Commissioning Cycle

Commissioning is a cycle that involves:

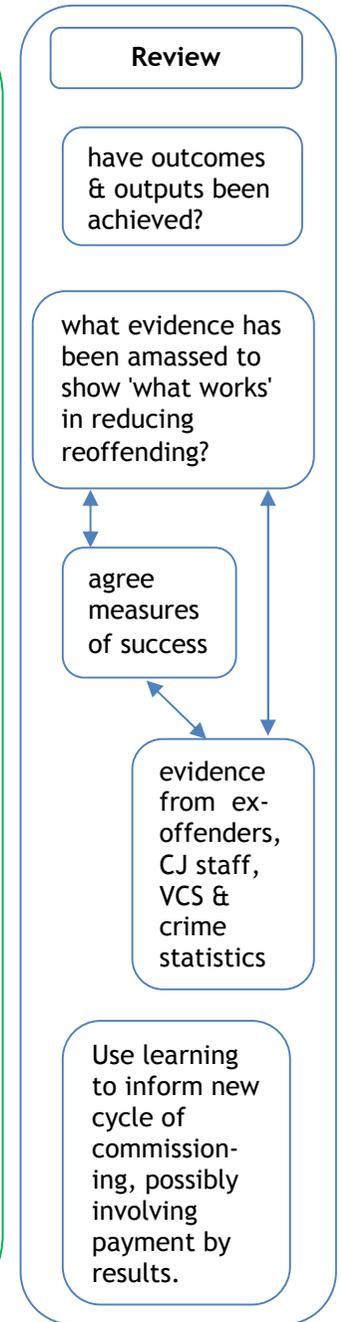
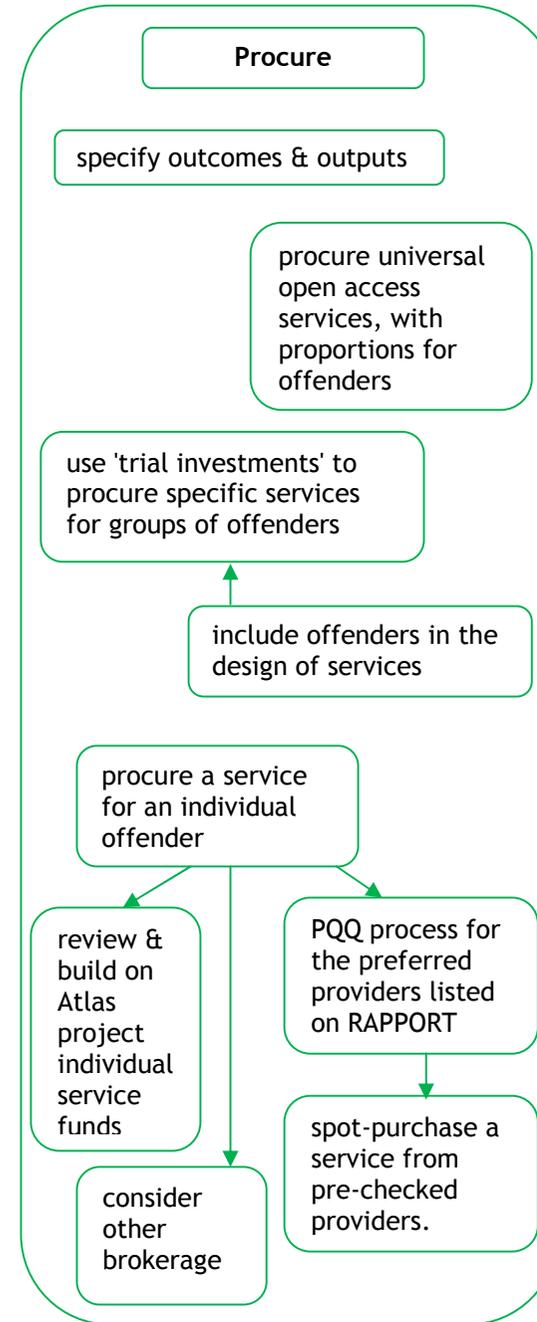
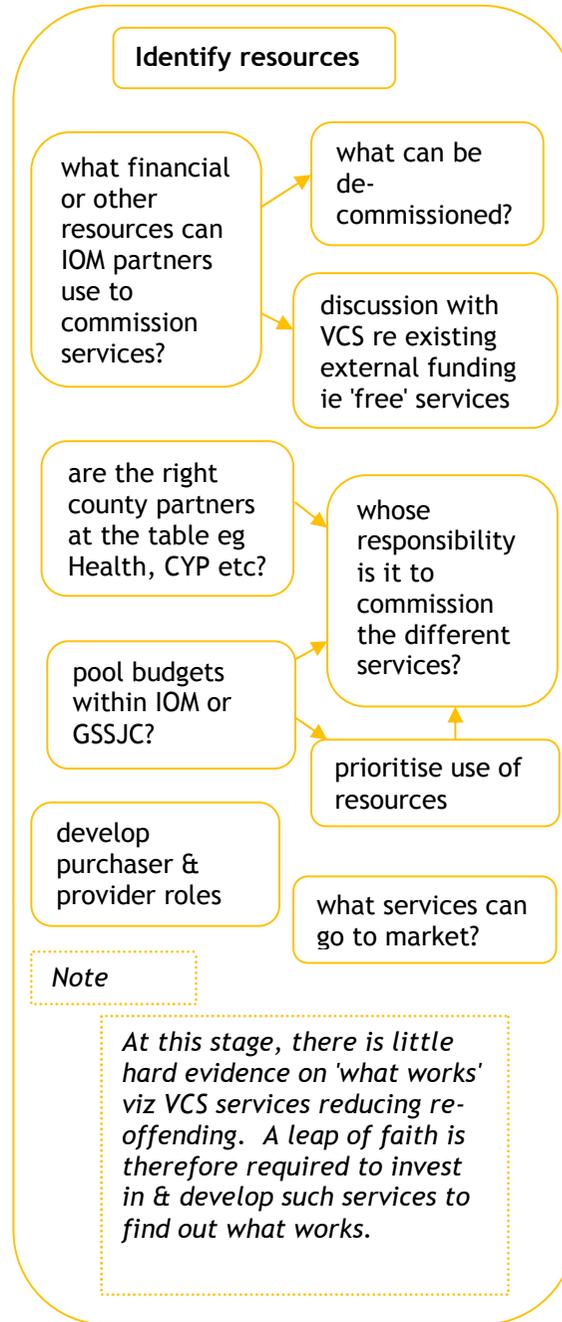
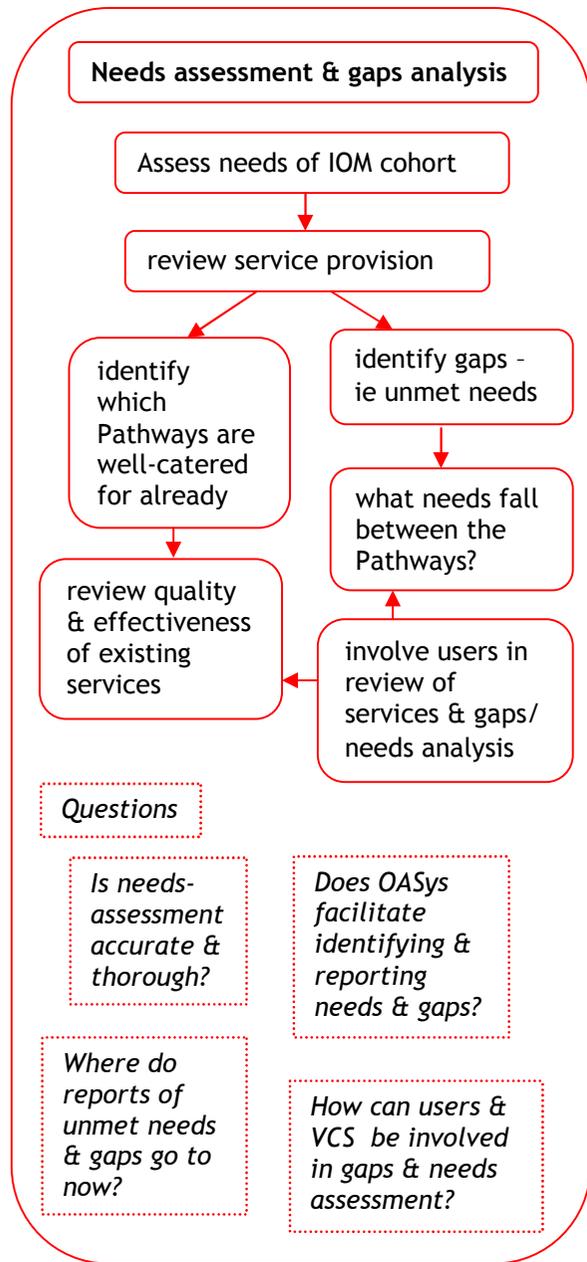
- assessment (or reassessment) of need
- identifying resources, planning and prioritising how to use them
- arranging service delivery through a procurement process
- monitoring and reviewing service delivery and its outcomes.

There is often confusion between the terms 'commissioning' and 'procurement'. 'Commissioning' is the means by which we understand the needs of individual service users or communities in order to build a platform for procurement. 'Procurement' focuses on resources, contracting, delivery and review - with a clear process that connects these up with needs and outcomes.

Although there is some uncertainty amongst IOM's statutory partners as to whether there is any money with which to *procure* services from the VCS in the next few years, there is no reason why a new approach to *commissioning* cannot be started, building on the commissioning and procurement of services for offenders that is happening already in the county.

On the next page is a diagram of the stages of the commissioning cycle, showing what needs to happen to get to the end-point of producing evidence of 'what works' in terms of VCS services helping to reduce reoffending amongst the IOM cohort. The principles can equally be applied to non-IOM commissioning, and the diagram complements the GSSJC's commissioning cycle in Appendix Two.

Commissioning cycle - diagram



Needs assessment

How offenders' needs are assessed and recorded by CJ staff

In this context, 'needs' are deemed to be 'criminogenic' needs - that is, attributes or behaviours of offenders that are directly linked to their criminal behaviour. Or more specifically, 'the needs, problems and features of their lives that contribute to, are supportive of or relate directly to offending'.¹ These are assessed using the Offender Assessment System (OASys), which has a number of objectives that can be summarised as follows:

- assess how likely an offender is to be re-convicted
- identify and classify offending-related needs
- assess the risk of harm to self and others
- assist with management of the risk of harm
- facilitate the link between assessments, supervision and sentence plans
- indicate any need for further specialist assessments
- measure how an offender's risk levels change during the sentence.

In practice, the system gathers information on offenders, including their offences, and then gives them an OASys score under each of the following headings:

1. Accommodation
2. Education, training and employability
3. Financial management and income
4. Relationships
5. Lifestyle and associates
6. Drug misuse
7. Alcohol misuse
8. Emotional well-being
9. Thinking and behaviour
10. Attitudes
11. Health - physical and mental.

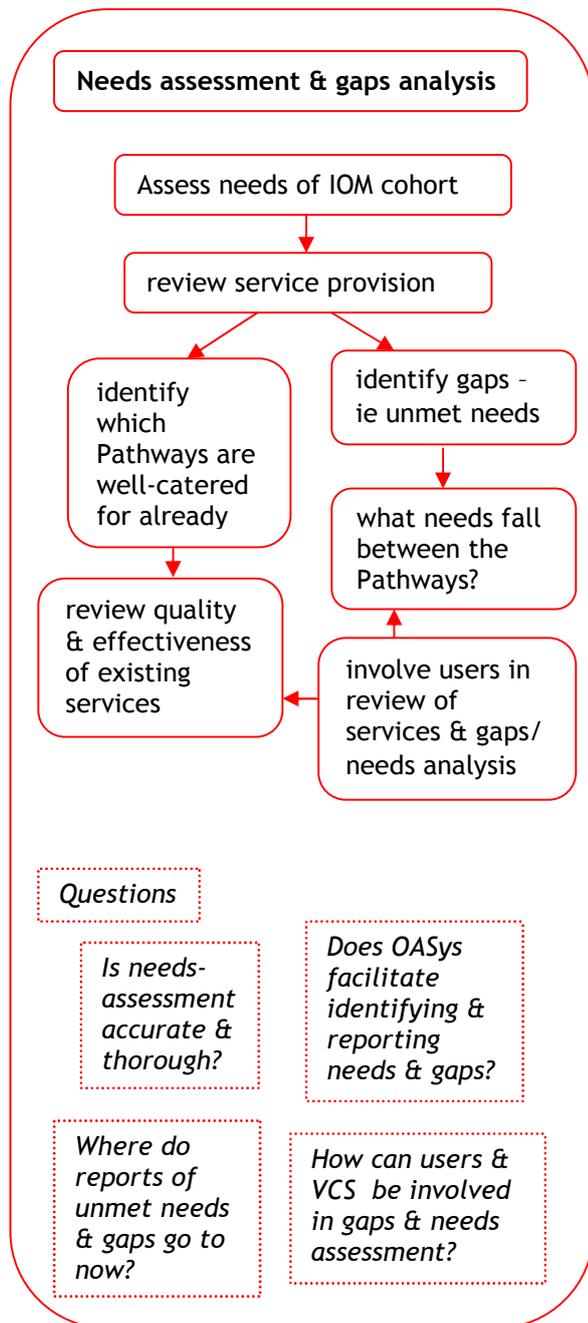
Both 'static' and 'dynamic' factors are assessed and scored: static are mostly those things which are historical facts such as the number and type of previous convictions, level of education, history of drug use. Dynamic factors are those listed above - most of which can change. These combine to produce an overall 'risk of reoffending' score.

Offender needs are assessed by Probation or Prison staff, and are recorded on OASys, although it is primarily intended as a risk assessment tool. From there, CJ staff work with the offender to create a plan of appropriate interventions and support to overcome those needs - bearing in mind that each individual may have many needs, so professional judgement is used to deal with these sequentially rather than all at once.

The VCOs that currently work with offenders have their own needs assessment tools, and often work with Probation to jointly identify needs.

¹ from 'Reviewing What Works' by J McGuire and P Priestley, 1995.

What are the unmet needs in the IOM cohort?



This diagram distinguishes between two kinds of needs - those which are currently being met, and those which are unmet. As well as identifying unmet needs, the commissioning cycle should start with a thorough review of service provision - reviewing the quality and effectiveness of existing services, whether provided in-house or externally.

This report does not attempt to list all the existing services accessible to the IOM cohort, neither does it quantify unmet needs and gaps in service provision. Rather, this framework provides the pointers to the appropriate steps for IOM partners to take to improve and join up commissioning, in consultation with the VCS and offenders.

However, it is worth briefly reporting on some of the issues picked up on during the research for this report, which - although anecdotal - may provide a starting place for the needs analysis phase of the commissioning cycle.

Anecdotal evidence gathered in Feb 2010 from some Offender Managers and Prison staff indicated that the main areas of unmet need include:

- Psychological therapies for adult survivors of child abuse as SOCA (Survivors of Child Abuse) is no longer in existence.
- Getting psychological diagnosis and mental health care for offenders who are using drugs or alcohol. The NHS will not deal with people until they are 'clean' - but even when they get that far, there is a 3-6 month waiting list.
- Support for people with personality disorders.
- Bereavement and especially pre-bereavement when an offender has a dying relative or partner with terminal illness. Cruse (the bereavement charity) will only take on people once they have been bereaved.
- Out of county accommodation for people who cannot remain in their local communities.

- Childcare for women in treatment - eg attending CSSMS (the Countywide Specialist Substance Misuse Service), otherwise this becomes a barrier to their accessing treatment. 'Floating childcare' that can be picked up and used when needed, not requiring permanent arrangements. The ISIS project² provides this, but more is needed.
- Finance, benefits and debt.
- OMs said that although the literature says offenders' most wanted support is to be met at the prison gate, local offenders do not say they want this. However, the OMs suspect this may be because offenders assume the only option would be for a CJ professional to meet and support them.

The funding for two VCS services will end on 31 March 2011 - namely, the Restorative Justice project and the Citizens Advice Bureau debt and financial literacy work in Gloucestershire's three prisons which was a pilot funded by the Legal Services Commission. This will create more unmet needs to add to the list.

One voluntary organisation identified the following unmet needs that do not fall neatly into the Pathways, but rather between them:

- little support is planned or set up for offenders on release from prison
- a financial crisis is almost inevitable as benefits take 2 - 3 weeks to arrive, and prisoners leave with £46 on release
- practical support moving in to accommodation, getting to the Job Centre or Probation
- lack of social networks.

what needs fall between the Pathways?

At the time of writing this report, another strand of the CLINKS/IOM pilot project was underway - a 'client reference group' worked with offenders to establish their own opinions about unmet needs. Evidence from this strand should be added to the overall picture by IOM partners when it has been collated. As part of the Housing and Support Strategy development, local surveys found that housing is the main issue which offenders under the supervision of Probation want more help with.

involve users in review of services & gaps/ needs analysis

A needs analysis of prisoners has been undertaken at HMP Gloucester but, at the time of this report, it had not been written up and made public. Information from this piece of work should also be included to inform the first stage of the commissioning cycle.

The questions posed in the diagram are discussed briefly in turn below, with the intention of highlighting them for further consideration and action.

Is needs assessment accurate and thorough? In discussion with Probation Trust managers, a possible 'chicken and egg' situation was identified - namely that Offender Managers (OMs) may not always

Is needs-assessment accurate & thorough?

² The ISIS project is run by the Nelson Trust in Gloucestershire: it is funded by the Ministry of Justice as part of the government's strategy to increase community support for women at risk of offending.

be able to assess offenders' needs accurately because they are not aware there is a solution 'out there' to meet those needs. Therefore the OM is not able to give full consideration to the unmet need, resulting in the gap not being identified and reported. This means that needs with no known solutions may not always be recorded on OASys, although services may well exist in the county.

At the time of writing, further work has just been put in train by OMs to better identify unmet needs in the IOM cohort. Early indications are that emotional wellbeing and relationship issues are closely linked to offending behaviour and risk of harm.

Does OASys facilitate identifying & reporting needs & gaps?

At the time of this project, Offender Managers did not consider it possible to interrogate OASys for statistics on unmet needs amongst the IOM cohort - but OMs think this is not so much the fault of OASys as a tool, but that unmet needs are not always recorded on it. It is not clear whether OASys is used to record unmet needs which fall *between* the Pathways - and, if these are recorded, what happens to them.

Where do reports of unmet needs go to at present? There was no clear answer to this question - but this may have been because the question was not posed to the right staff. CJ staff were unsure of who would know the answer, however.

Where do reports of unmet needs & gaps go to now?

There are several surveys of offenders' needs in existence, but it is unclear who holds the overview of what all of these reports and findings add up to. Once collated, this information will inform the subsequent stages of the commissioning cycle.

This section has discussed the use of OASys and the assessment of needs by Offender Managers and other CJ staff. There is another potentially rich source of information on offenders' needs - VCOs which work day-to-day with offenders. Capturing their knowledge and experience should therefore be part of the collation of information, along with offenders' opinions and OMs' assessments.

Identify resources

In the current economic climate, it may not be possible to find 'new' money to procure services. In future, new sources of funding may be possible - such as through social investment bonds under a payment by results scheme. Once the Government's competition plan is released (June 2011), it should also be clear the extent to which statutory CJ services are expected to shrink by outsourcing some functions with the intention of saving money.

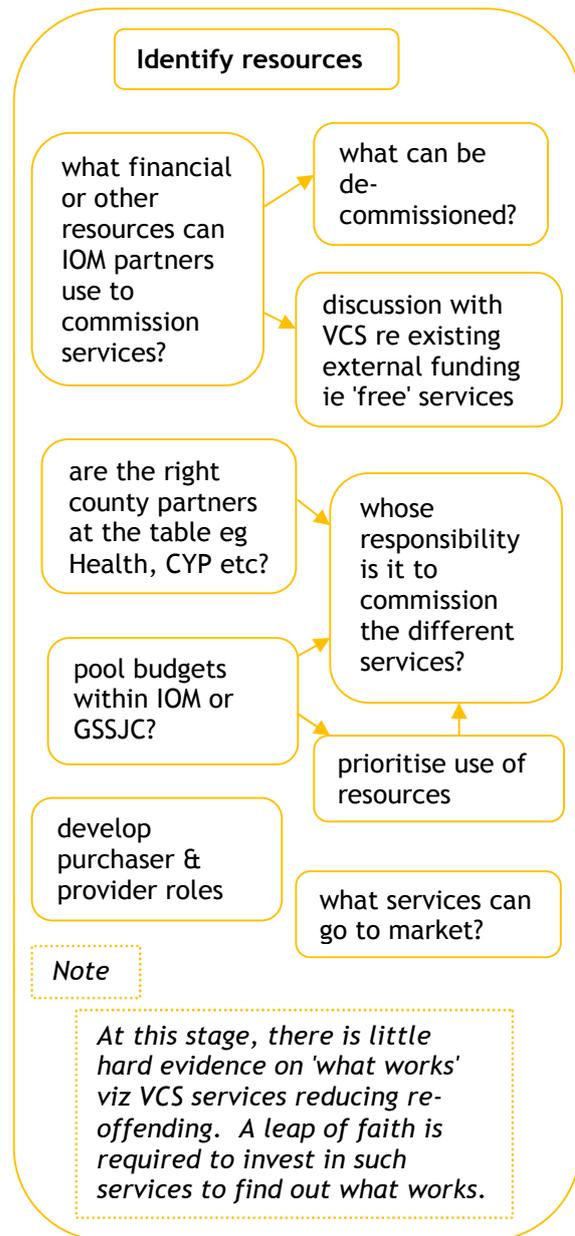
The purpose of this framework is to illustrate the steps that can be taken to make the best use of resources whatever new expectations arise from Government, because the principles of good commissioning should apply in any situation.

At present, the most immediate source of new (or recycled) money could come from the exercise of reviewing current service provision. This may free up money invested in services which do not really meet the needs of offenders and do not contribute sufficiently to reducing reoffending. It may be found that programmes for offenders currently provided in-house could be sourced from other providers, at a lower cost. This review of current services should be carried out as a first step in identifying resources.

what can be de-commissioned?

discussion with VCS re existing external funding ie 'free' services

In addition to the added value mentioned earlier, one of the main contributions that the VCS can bring to the table is 'external' funding - ie funding from sources external to IOM, which enables them to work with offenders. Examples of this include funding from several grant-making trusts for work with families of prisoners, MoJ funding to work with women offenders and the Legal Services Commission funding for debt advice in prisons. Grants and contracts for many VCS open access services may also benefit offenders, although these are not specifically targeted towards them. Linking offenders into these services is dealt with in more detail later in this document.



A question which is not highlighted in the diagram, but is nonetheless equally pertinent, is: 'who are the commissioners?' Because the GSSJC has only recently formed, it is currently unclear to CJ staff exactly who the commissioners are, and there seems to be a lack of ownership of this role and responsibility at present.

There are some good examples of joint work between statutory partners to benefit offenders in place in the county already - such as the Drug Intervention Programme (DIP) and Supporting People working with Probation to provide housing support and individual service funds through the Atlas Project. However, the practical difficulties of jointly procuring services cannot be under-estimated. The problem is explained well in the following extended quotation from the Graham Allen Review³ which recognises that:

whose responsibility is it to commission the different services?

"There are complex organisational silos at both the national and local level. Programmes frequently involve a large number of delivery organisations with different areas of focus - health, crime prevention, education, to name a few. This means that there is less of an incentive for an individual organisation to invest in such programmes, as the benefits may well accrue to someone else. This implies that they should instead invest collectively in programmes which benefit multiple organisations. However each organisation will usually have its own budgeting mechanisms and strict rules that accompany these. Therefore reaching agreement to invest across different organisations at different levels becomes difficult. There are solutions within the public sector that are currently being developed - community budgets⁴ are a good example of this at local level."

pool budgets within IOM or GSSJC?

Another example of this potential difficulty is outlined by the Centre for Mental Health⁵ - where it gives examples of the misalignment between the objectives and targets of health and criminal justice commissioners:

'Despite the expectation that health and criminal justice agencies will work collaboratively to commission and provide alcohol and other offender health services, there are significant challenges to this taking place in practice. The issue of 'cost shunting', where targets in one sector become resourced by another, was identified as a significant potential obstacle to closer strategic partnership working. We found that the requirement of criminal justice agencies to commission targeted and timely interventions addressing the causes of crime can clash with the commitment of PCTs to provide freely available health care services to the general population.'

³ 'Financing Early Intervention: Interim Paper' - the Graham Allen Review, 2010. Although this addresses early intervention with children and young people, many of the principles apply to any issue in society which affects a number of local statutory bodies - making it difficult to identify which one should 'foot the bill'.

⁴ The DCLG website explains: 'Community budgets pool various strands of Whitehall funding into a single 'local bank account' for tackling social problems around families with complex needs.' Although Gloucestershire is not one of the 16 pilot areas, the Government intends to extend the opportunity to all areas by April 2013.

⁵ 'A Label for Exclusion: Support for alcohol-misusing offenders' by R Fitzpatrick & L Thorne, 2010.

This is relevant to the future joint commissioning of services provided by the VCS insofar as some VCS organisations are contracted to provide alcohol (and drugs) services to offenders in Gloucestershire. If there are such misalignments between the statutory agencies within IOM and/or the GSSJC, then working through them can only benefit any joint commissioning, and thus the users of the services too.

Both sectors should also be aware that 'risk shunting' can also happen, and take steps to guard against this, by discussing risk-sharing and agreeing which organisation or sector should be responsible for bearing risk.

Overcoming any difficulties of this nature will be essential before joint decisions can be made on the prioritisation of resources and which partner will provide them. What should be the basis for the prioritisation of resources - to fund those services which have the most success in reducing reoffending? Are secure accommodation and tackling substance misuse more effective in reducing reoffending than, for example, restorative justice? The future prioritisation of resources (eg 2014/5) should be based on evidence gained during the trial period of the next few years. Clearly, this needs not to be limited to evaluating the effects of local VCS services, but national and international research on reducing recidivism will be able to inform the wider picture that is beyond the scope of VCS services and will influence the GSSJC's commissioning of all services.

prioritise use of resources

Resources should not be seen as merely the financial power to purchase services - there are the in-house resources of CJ staff time and expertise. For example, if the overall analysis of needs shows that housing is the most important unmet need linked to offending, then prioritising CJ staff time to work with housing providers is the obvious first step. Making the most of VCS resources through joint working will add to the totality of available staff time and expertise as well.

Before procuring new services, IOM partners will have to decide which services can 'go to market' or be invested in. After the Government has published its competition programme for all offender management services in June 2011, it should be more clear about the extent to which services currently provided in-house should be opened up to competition. However, the potential upheavals that this may bring should not distract from the primary purpose of this framework - to improve and join up commissioning between statutory IOM partners and involve the VCS in providing services to offenders and reducing reoffending. The danger of 'wholesale' tendering of what are currently in-house CJ functions is that the private sector or large national VCOs will be the only realistic contenders for such large contracts, and any opportunities for local VCOs to be contracted to provide small-scale services may be lost.

what services can go to market?

It is therefore important that the GSSJC, and indeed the Government, adopts a clear policy and action plan to ensure it provides opportunities for local VCS involvement, in advance of any such large scale outsourcing of CJ services. Future commissioning may also be governed by the recent Public Services (Social Enterprise and Social Value) Bill - which, if it becomes law it will require all

commissioners of public services to consider taking into account economic, social and environmental value, not just price, when buying goods and services.

Developing the purchaser role

Much has been said above about various elements of the purchaser role. Although IOM partners may not have extensive experience of commissioning and procurement, plenty of expertise exists within the county - eg in the NHS and County Council, which can be drawn upon in practice to complement this framework.

develop the purchaser role

An exercise in re-tendering a service was carried out with the Probation Trust at the same time as this pilot project was running. A form of tender was drawn up and bidders were invited to complete a simple process that was commensurate in size and complexity with the amount of money on offer. The main learning points arising from this tendering exercise are set out in Appendix Four, which illustrate the need for increased good practice.

Referring offenders to the VCS

As part of this CLINKS/IOM pilot, work was carried out by GAVCA in December 2010 that identified sixteen VCOs in Gloucestershire which state they currently work with offenders (although only a few have CJ contracts) and a further sixty whose services could usefully be accessed by offenders and/or their families. These organisations are now listed on the RAPPORT database which is used by CJ professionals, and on the voluntary sector database hosted by GAVCA which is publicly available on the internet. When an offender is assessed as needing a service that may be provided locally by a VCO (and may be free of charge), CJ staff can now find twice the number of providers than were previously listed on RAPPORT.

Because many of these organisations have external funding, they are often able to offer a service to offenders who are referred to them - without charge to the CJS. Funding could be sought by the VCS to set up a further brokerage scheme (extending or complementary to the Atlas Project's brokerage role) to provide up-to-date knowledge of these frequently-changing opportunities in the VCS. This would ensure that appropriate and timely referrals can be made without CJ staff having to do a lot of research to pinpoint the right service. If external funding is found, this could be accessed immediately by OMs to match offenders with services, without waiting for a future commissioning process to begin.

On a day-to-day basis, when assessing offenders' risk of re-offending, CJ staff should identify and log needs that cannot be met, and when they are unsure whether a service exists in the county that could meet the need. These may be within the 'pathways' or fall outside those categories - which may be more difficult to track through OASys.

When a need is identified for which no immediate solution is obvious, the staff member concerned can firstly use RAPPORT to find an organisation (or more than

one) which may be able to offer a relevant service, then contact them to establish whether a referral would be accepted and whether the organisation will provide the necessary feedback on attendance etc (via the information-sharing protocol). If so, then a referral would be made. The CJ staff member should then log this referral on the CRAM system for record management to ensure follow-up with the VCO is carried out after an appropriate interval.

Market events

These meet-the-provider and meet-the purchaser events have been organised and successfully run by GAVCA, in response to requests from the Children and Young People's department of Gloucestershire County Council over the last few years. This could be a useful and low-cost means for CJ staff to meet VCOs, learn or update themselves about local services and make key contacts to facilitate future referrals. Such events could be organised by GAVCA twice a year, supported by IOM partners as part of their commitment to staff training.

However, external funding alone cannot be relied upon to provide services, fill gaps and meet offenders' needs - so resources should be identified and targeted to ensure the necessary services are available locally, as set out in the previous section.

Developing the VCS market

develop the provider role

Although there are a handful of voluntary organisations in the county which are contracted to provide services related to re-offending, the majority of the sector has not had any experience of the criminal justice system, its processes or requirements. If the Government's aim of opening up the CJ market to the VCS is to be realised, there is much work to be done to get the local VCS ready for this. As stated earlier, work was carried out by GAVCA in Dec 2010 that identified seventy-six voluntary and community organisations (VCOs) in Gloucestershire which either currently work with, or potentially could offer services to, offenders and/or their families. Of these, only three were identified as operating under local CJ contracts.

Developing the provider role - or the VCS market - will not fall to IOM partners alone. CLINKS, GAVCA and other 'infrastructure' organisations exist to provide support and development to the VCS, and so can work in partnership with the statutory sector and bridge the understanding-gap between the two. GAVCA also supports and encourages good commissioning in the county.

What characteristics and abilities do VCOs need to demonstrate in order to work with offenders on behalf of CJ partners? At the very least, they should be capable of and willing to:

- deal with often chaotic and difficult offenders
- train staff and volunteers to understand and operate within CJ procedures
- adhere to information-sharing protocols, over and above their own client confidentiality principles

- identify risks and put in place appropriate mitigations
- carefully monitor their work and outputs
- evaluate outcomes to identify what worked
- involve offenders in the evaluation
- be accountable and report appropriately
- understand that they are taking part in a trial, not receiving a grant to plug any gaps in their finances or to support their open access services.

CLINKS identified in their 'Localising Justice' discussion document that 'VCS organisations working with offenders still lack a consistent, coherent methodology that is acceptable to CJS commissioners as a means of demonstrating the 'distance travelled' by users of their services.' This is also something that can be developed in partnership in Gloucestershire, and involve offenders where possible too.

Although many VCOs in the county are already competent in the areas outlined above, the tender exercise carried out by the Probation Trust for work to support victims of domestic abuse also revealed some VCOs lacking knowledge and expertise in the following areas (as attested by some of the bids received, and some of the subsequent interviews):

- evaluation of outcomes
- demonstrating fairness and diversity in practice
- understanding the requirements of the CJ system within which they would be operating.

Anecdotal evidence from local CJ staff indicated that information-sharing protocols and attitude to risk were the biggest sources of tension between the two sectors in some previous attempts at referring offenders to the VCS. However, a couple of VCOs said they sometimes found it difficult to obtain the information they needed about offenders from CJ staff.

The statutory IOM partners recognise that the VCS has a different approach, can offer flexibility and innovation in service provision, and moves very fast to implement new ideas. If the CJ system is the 'stick', then potentially the VCS can offer a 'carrot' to offenders by not (in the main) being part of the enforcement regime.

An interesting role has been developed by the few VCOs that have contracts for CJ-related services such as the Drug Intervention Programme (DIP), Alcohol Arrest Referral Service (AARS) and Community Integration (CIS). This role was described by one VCS CEO as being a 'carrot-shaped stick' - which acknowledges that they are contracted to be part of the enforcement process, but with a 'friendly face'.

In becoming involved with CJ, some VCOs encounter problems of culture-clashes and ideology with trustees, staff or volunteers, who find it difficult or unacceptable that their organisation should want to be part of the enforcement regime and will be reporting back to the Prison, Police or Probation about their clients' (ie offenders') attendance and progress - as they feel it violates their confidentiality policies and offenders' rights. A few VCOs may not be able to overcome these difficulties, so will not be suitable to be contracted or take referrals from IOM partners as part of an offender's sentence plan.

In the later section on Procurement, there are some suggestions for identifying more VCOs which are ready and able to take on work with offenders that requires adherence to information-sharing protocols and a willingness to report back on the attendance and progress of their clients.

Joint learning and development

One outcome of the county's Housing and Support Strategy for Offenders has been the creation of joint training opportunities for CJ staff and housing associations. Representatives of Gloucestershire Probation Trust, the District Councils (as the housing authorities), the VCS and some offenders, have together established a protocol for working with each other.

The Probation Trust, in conjunction with Nicholas Day Associates, will be running a series of Partnership Training Workshops across the county in April 2011 to give the relevant housing stakeholders a chance to discuss how they can work together in the best possible way to make optimal use of resources in order to help homeless offenders. As well as providing a 'marketplace' for providers to explain and promote their services to CJ staff, the learning outcomes will be:

- to improve partnership working in the housing and resettlement of offenders
- to have a greater understanding of the pathways to follow
- to use the protocol as the basis of all partnership work
- to have a better understanding of the local resources available to meet the housing and support needs of offenders
- to have a greater understanding of each others' aims, challenges, barriers, and ways of working
- to have the confidence to cascade the learning back to delegates' own agencies.

More of this kind of joint training is exactly what is needed to bring the statutory IOM partners together with the VCS, enabling them to establish a shared understanding of what each other can offer and the constraints or freedoms under which each operate. Training in risk assessment, dealing with difficult offenders, the importance of information-sharing and how to make appropriate referrals would support the involvement of more VCOs in IOM. VCOs which are experienced in working to CJ contracts with offenders could also share their learning and help other VCOs by sharing good practice and talking through any ideological issues.

Joint sessions on evaluating 'what works' in reducing reoffending and agreeing measures of success will also be necessary as part of this improved commissioning process, and could be supported by university-level research input if funding were available.

Organisational Healthchecks

Another approach to developing the provider market is the use of organisational 'healthchecks'. This was encouraged recently by Gloucestershire County Council's Adult Social Care department when introducing the county's VCS to the new

Putting People First (PPF) agenda. GAVCA's consultant designed a questionnaire called a 'healthcheck', which VCOs used to assess their readiness to meet the challenges of PPF. It enabled them to consider their performance and abilities against a set of essential and desirable criteria relevant to the newly emerging social care marketplace. One-to-one organisational development support was then available. Development needs arising from all the healthchecks were used to generate ideas for workshops and training courses - which in turn were well-attended because they were based on needs which the VCOs identified for themselves.

Creating such a tool for use by VCOs hoping to provide services to offenders would raise their awareness of the requirements of the CJS, encourage them to discuss and overcome any ideological issues and generally prepare them to enter and operate in a very different arena than they have been used to. The experience of CJ staff and VCOs already working with offenders could be drawn upon to shape this healthcheck tool appropriately.

Developing the provider market is the responsibility of commissioners as part of the commissioning cycle. The VCS can therefore play its part by seeking external funding to support this (in particular for the creation and use of a suitable healthcheck). The statutory partners in the GSSJC should ensure this is included on their priority list for expenditure, as part of their commitment to enhance the involvement of the VCS in local IOM arrangements.

Involving the wider VCS

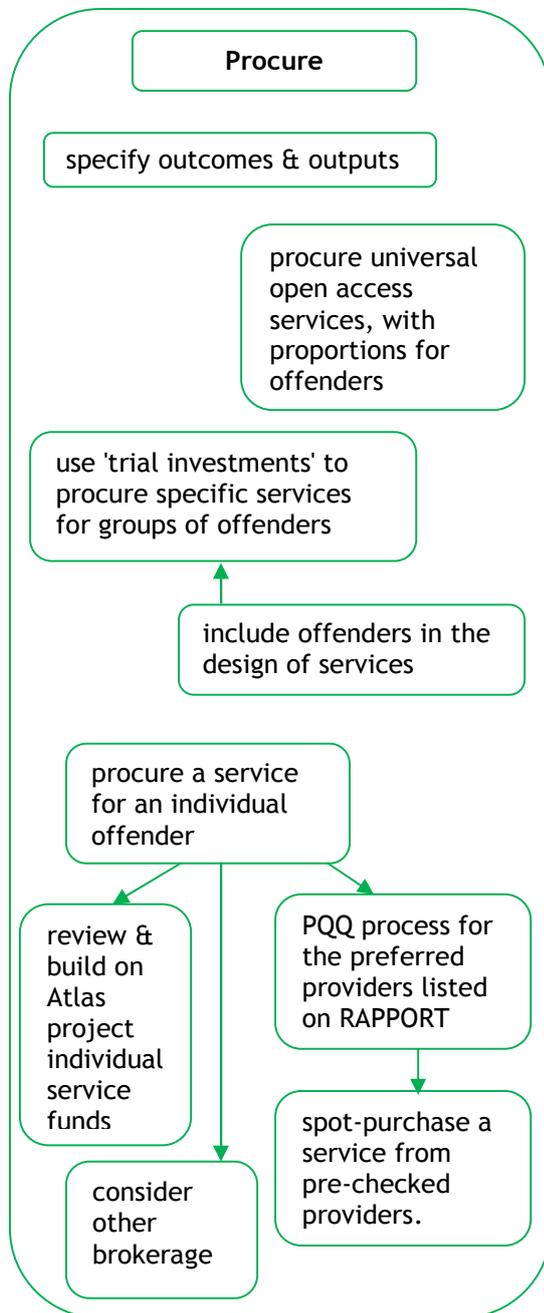
In order to enhance the involvement of the VCS in IOM and inform this commissioning cycle, the 'wider VCS' might be willing to take part in a review to find out the effects of their work on reducing reoffending. The 'wider VCS' means those VCOs which have external funding to provide open access services of all kinds, and which can count offenders amongst their users, although the services are not targeted towards offenders. Without extra funding, there are at least two potential problems with this idea:

- the remit of the external funding, and therefore the design and delivery of the project is unlikely to have included an emphasis on reducing reoffending
- the funding does not allow for time to be spent on extra evaluation such as this, so a VCO taking part in this exercise would have to contribute the staff time out of other resources.

If resources were available to support such evidence-gathering work in Gloucestershire (either from IOM partners or an external source), then it would be worthwhile trying to engage the many VCOs which provide services to offenders as part of their open access approach, as part of the process to find out 'what works' in reducing reoffending.

Procurement

After consulting with offenders and the VCS, and involving them in the design of services which then leads to specifying outcomes and outputs, the actual process of procurement can begin.



procure universal open access services, with proportions for offenders

It is beyond the scope of this report to include detail in the framework about the countywide procurement of open access services such as physical and mental health, housing, drugs and alcohol - which are universal services available to everyone in the county, including offenders. However, it is logical just to mention it here, as part of the overall procurement picture and to illustrate the distinction between procuring universal services, specific services and spot purchasing. IOM partners are already actively involved in influencing the procurement plans of the NHS and District Councils (the latter as the housing authorities), and indeed approximately £1million of the £6-7million budget for drugs services is used to benefit offenders.

In order to increase the involvement of the local VCS in working with offenders, future procurement procedures should not exclude smaller organisations - eg by offering small and medium sized contracts, rather than only countywide ones.

There are a variety of different payment arrangements that can be used to procure services, ranging from contracts to grants. This section firstly sets out the most common methods, then goes on to recommend an alternative method - 'trial investments'.

A two part tender process is often adopted - whereby a list of potential providers is identified via a pre-qualifying questionnaire (PQQ). This can be carried out separately from any particular procurement exercise in order to produce a standing list of preferred providers to draw from anytime, or it can be used immediately before a specific tender to identify a few organisations that will be invited to complete the full tender. The subject of PQQs is returned to in the section on spot purchasing below.

As part of the overall commissioning process, and separate from any specific tender, IOM partners could draw up a list of voluntary organisations which they would want to invite to bid for the trial investments outlined below. This would be a useful follow-on from the work to develop the VCS market set out in the previous section of this report, and would give VCOs the incentive to take part in joint training and carry out organisational healthchecks.

With grants, a simpler application process is used to decide which VCOs should be awarded funding.

What kind of funding arrangement?

Grant-giving has traditionally been used by the public sector to give money to the VCS, but is not generally utilised in any commercial setting. The main difference between the two is that a grant is usually given to a VCO because the funder wishes to support its work, as it aligns with the funder's own priorities. It is not legally binding, but usually is subject to a written agreement.

Contracts, on the other hand, are legally binding and always state what is expected (outputs and/or outcomes) in direct exchange for the money. The money can be recouped if the recipient does not meet the targets. EU legislation governs the process by which tenders for contracted work are advertised and procured - including rules about advertising tender opportunities worth over £156,442 (the 2010 figure) in the European Journal, to ensure open competition throughout the EU. However, contracts are not generally seen as the best means to encourage innovation⁶.

use 'trial investments' to procure specific services for offenders

If the years running up to 2015 (when it is anticipated that payment by results will be implemented across the UK) are to be a trial period for gathering evidence on 'what works' in terms of VCS services helping to reduce reoffending, then it is important for IOM partners to choose the right kind of payment arrangement to ensure delivery and evaluation. It is recommended as part of this framework that IOM partners consider styling any new payments as 'trial investments' - to emphasise that they are short-term arrangements to 'try out' various services and evaluate their effectiveness in reducing reoffending. The intention behind such an investment would be to fund innovation in working with the IOM cohort, and meet the costs of the evaluation to find out what works. The agreement would therefore need to reflect these elements, and allow freedom to innovate at the same time as adhering to the required protocols and managing risk appropriately.

If the market development phase has been carried out effectively, then VCOs bidding for and accepting such funding will understand the planned course of action to identify what works, and will be ready to take part in these partnership trials.

⁶ The Good Commissioning Guide for Gloucestershire, 2010.

The CLINKS report quoted above goes on to add 'smaller (and subcontract) organisations will undoubtedly need lighter regulatory burdens in terms of outcomes measurement, and ready access to softer, more appropriate methodologies.'

However, if the period 2011-14 is to be one of evidence-gathering on what works, IOM partners may not wish to lighten the 'burden' of outcomes measurement - because any trial investments will require the maximum return of evidence, reporting of outcomes and evaluation of success. A possible way round this would be to offer 'prime' trial investments to larger and more experienced VCOs, who would then sub-contract relevant work to such smaller VCOs if they were better placed to carry it out. The prime VCO would then support the smaller one to set up appropriate methods to evaluate their work, in order to ensure the sub-contractor is able to report back to the prime - who in turn is accountable to the commissioner.

Although social impact bonds are being trialled by the Government as a means to fund work with offenders, this is not recommended for Gloucestershire to carry out in the next few years because:

- this period should be one of evidence-gathering to get both purchasers and providers ready for the payment by results culture, which is likely to be rolled out across the UK from 2015
- there is no obvious investor on hand locally to take part in such a scheme
- at present, such pilots are being set up on a national scale with the full benefit of Government-level investment of time and expertise - neither of which are available at present in this county.

include offenders in design of services

Another strand of the CLINKS/IOM pilot in Gloucestershire is to increase the skills and confidence of offenders to enable them to take part in commissioning.

The framework diagram contained in this report will be used as part of the training. The intention is that offenders should participate in any future evaluation of existing services, the design and specification for new ones, and in the selection of new providers. This will need resourcing to ensure someone is able to take responsibility for overseeing and implementing it.

A person-centred approach

Not all services need to be procured on a large scale through contracts or ongoing funding agreements - rather, a more person-centred approach to obtaining the right service for an individual offender through 'spot' purchasing may often be more appropriate.

procure a service for an individual offender

review & build on the Atlas project Individual Service Funds approach

The Atlas Project, funded by Supporting People, set up jointly with Probation and operated by Stonham since October 2010 is a local example of person-centred work with offenders. To further support the work done with offenders to establish secure accommodation, Individual

Service Funds (ISFs) can be used to help them access services they wouldn't otherwise be able to pay for - such as family mediation, or goods that will support their moving into or sustaining a tenancy, which can't be paid for by other means eg at present, Community Care Grants. The demand for this approach is easily evidenced from the fact that the total number of referrals contracted for the year were met in the first few months of operation. Offenders are, of course, involved in the choice of goods or services alongside their case worker at Atlas and their Offender Manager. The project is regularly reviewed by the purchasers and provider together, leading to learning from experience and continuous improvements being made.

IOM partners are recommended to build on this project and expand the concept of the ISF for offenders who do not have housing needs (which is the condition of the Supporting People funding). However, a suitable source of funding would need to be found - perhaps applied for jointly by a partnership of VCOs and the Probation Trust.

Part of the success of the Atlas Project is the time devoted by staff to finding the right support services for offenders to start or maintain their tenancies - ie the brokerage role. This is time-consuming and requires good knowledge of services in the county, whether public, private or voluntary sector. If this role is valued as part of the work with offenders, and it is accepted that CJ staff do not have the time to devote to this task, then finding resources for this should be put onto IOM partners' list of services to prioritise for funding. Alternatively, it may be possible for the VCS to attract funding for it.

consider other brokerage

Selecting VCOs to spot purchase from

This section on procurement is mainly concerned with the exchange of money in return for services, and recognises that not all VCOs can provide services free at the point of delivery which are paid for by external funding. The third kind of procurement in this framework is spot purchasing - ie paying a VCO for a one-off service (or series of sessions) for an offender, as opposed to contracting with that organisation to provide services to large numbers of offenders across the county for a year or more.

spot-purchase a service from pre-checked providers.

CJ staff need to know that the chosen VCO will be willing to adhere to the requirements of the CJ system such as information-sharing and reporting back on attendance (and possibly progress too), and is able to assess risk appropriately as they may be taking on a PPO (prolific and priority offender) as a client for the first time. This applies equally to referring offenders to VCOs where there is no exchange of money because of external funding. The Atlas Project and any other VCO operating a future brokerage system would also need the same assurances when obtaining services or recommending services for offenders.

Rather than each Offender Manager having to establish this over the phone with each VCO they wanted to purchase a service from, or refer an offender to, it

would make more sense to 'pre-check' all VCOs which are listed on RAPPOR and indicating their interest and willingness to offer services to offenders. Once VCOs have been accepted by IOM partners to have passed the PQQ or pre-check, their records on RAPPOR should indicate this.

PQQ process for preferred providers listed on RAPPOR

The work to develop such a tool should involve Offender Managers, VCOs and offenders. The healthcheck self-assessment referred to above could be used by VCOs before entering the PQQ process, in order to give themselves the opportunity to put in place any necessary development or changes before being measured against the standards of the PQQ and being assessed for the preferred provider list.

Review

The final stage of the commissioning cycle is the review, which informs the next iteration of the cycle.

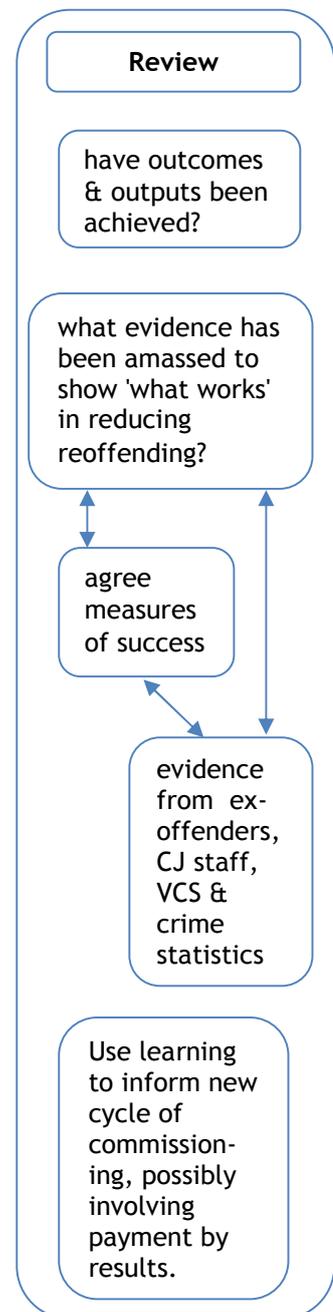
Although trial investments will have been monitored as they go along via quarterly reports on progress, the final review will seek to establish not only whether outputs and outcomes have been achieved, but also what the overall effect of the whole trial programme with the VCS has been on reducing offending, and on further developing partnerships between the two sectors.

Although this section about reviewing comes at the end of the commissioning framework, evaluation and review have to be considered well before this point, including agreement on the measurement of success. Discussion between IOM partners, the VCS and offenders should take place early in the commissioning cycle to agree what outcomes and targets are desirable and feasible - leading to these being required in exchange for trial investments.

If there is funding for university-level evaluation (eg the University of Gloucestershire's Criminology Dept, which was involved in the CLINKS/IOM pilot project) then researchers will also need to provide input at the beginning of the process to ensure the programme is amenable to research, and keep a watching brief over the monitoring reports as they are sent in by the VCS.

what evidence has been amassed to show 'what works' in reducing reoffending?

The final stage will be to establish what worked and what was less effective in reducing reoffending amongst the IOM cohort. This will then be used to



inform the next commissioning cycle, along with evidence gathered from the national payment by results pilots.

The review should also identify and evaluate whether the process has involved the VCS fully in all stages of the commissioning cycle, and any issues arising from this.

If payment by results becomes the standard method of funding, as the Government intends, then local commissioners and the VCS will be in a much better position to enter into such contracts, with this recently-acquired knowledge and experience of what works in reducing reoffending in Gloucestershire. This evidence could also be pooled with the results of the six national payments by results pilots, and help inform future good practice across the country.

Benefits, risks and mitigation

This section highlights and summarises some of the positive and negative issues and risks raised in conversations with people working in both sectors during this pilot project.

The table below shows the combination of some of the benefits and barriers/risks involved in bringing the CJS and the VCS together to work in partnership to reduce reoffending, and offers some possible mitigations of the risks. This is included in order to stimulate discussion between the two sectors, as part of the preparation for improved commissioning and to identify development or training needs in both sectors.

Benefits	Risks/Barriers	Mitigation
VCS and CJS working together to reduce reoffending blends the 'carrot' and 'stick' approaches. There are already good examples of this work in the county.	Partnership working takes time and effort - it involves staff time particularly in the set-up phase on top of the 'day job' so may be relegated to a lower priority.	Recognition that although partnership working takes time, it is a long-term investment that will save time and should reduce the direct input from CJS to each offender. Leadership from the GSSJC will be needed.
Speed and flexibility of VCS to mobilise when funding available (eg this pilot project).	Mismatch with speed of statutory services to keep up with VCS.	Continue to build the partnership relationship and understand each other's ways of operating.
The VCS may be able to plug gaps in services for offenders, if needs are accurately assessed and appropriate referrals made.	CJ needs assessment for offenders can be limited by lack of knowledge of possible solutions and local VCS services.	Market events, use of RAPPOR. Brokerage service to reduce need for OMs to maintain good levels of knowledge of specific VCS services.
Some experienced VCOs have robust needs assessment methods used with offenders.	CJ needs assessment can sometimes focus too much on 'pathways' and in-house programmes.	Sharing of VCS and CJ assessment tools, information and good practice in each sector.
–	Cultural and ideological challenges for some VCS staff and volunteers - not wanting to take on what they see as the 'enforcement' role.	Work shadowing, co-location of CJ staff with VCS organisations. Clarify role of VCS - is it an enforcement role or a complementary service?
–	Reluctance by some CJ staff and VCOs to share information on offenders.	Training by CJ staff and experienced VCS providers on information sharing and its benefits.

cont/

Benefits	Risks/Barriers	Mitigation
-	Negative or suspicious attitudes of some CJ staff to the VCS - considering them all to be volunteers and/or amateurs, or perceiving the VCS to be a threat to their jobs.	Work shadowing, co-location of CJ staff with VCS organisations. Market events to meet the VCS providers. Joint training and sharing of good practice.
-	Negative or suspicious attitudes of some VCOs to CJ staff, considering them to be too risk-conscious and procedure-driven.	As above.
Several VCOs have worked successfully to integrate offenders into the community, are experienced and knowledgeable.	Wide variation within the VCS of capability and experience in working with offenders may hinder enhancement of VCS involvement in IOM.	CJ to develop joint training with experienced VCOs for those which are less so. Use of healthchecks to assess VCS readiness.
-	Different attitudes to risk assessment and risk management between some VCOs and some CJ staff.	Joint training, sharing experiences and case studies. Consider whether different roles with offenders need differing approaches.
The VCS can provide innovative services to offenders with less risk of the 'Daily Mail factor' - ie bad publicity re use of public money which could accrue to the CJS.	The VCS may perceive this as the off-loading of risk by the statutory CJS, and may not be equipped to deal with this level of risk.	Discuss and agree appropriate sharing of risk between the two sectors, and which is best placed to deal with it. Ensure this is clearly stated in funding agreements.
Gloucestershire is a county well-known nationally for the mature relationship between the statutory and voluntary sectors.	Historically, the statutory IOM partners have had less engagement with the VCS than the District and County Councils and NHS.	GSSJC to take the lead on prioritising and supporting VCS engagement with the IOM Board.

This report ends with two lists of recommendations - one for the statutory partners and one for the VCS.

List of recommendations for IOM partners

Top 3 principles:

- A. Don't wait for the Government to roll out 'payment by results' but start work locally on finding out 'what works' in terms of VCS services helping to reduce reoffending.
- B. Recognise that commissioning is much wider than procurement, that the process can begin before financial resources have been found, and the VCS should be involved at every stage.
- C. Use the IOM cohort as the 'test bed', before further rolling out the principles of this framework as appropriate within the county's Reducing Reoffending Strategy.

Top 3 priorities for action - by June 2011:

1. Delegate the commissioning role to named CJ staff, who will work together across the IOM member agencies to lead the improvement and joining up of commissioning.
2. Task an individual or group of IOM managers with gathering up the results of all the surveys of offenders' unmet needs, and creating an overview of what it all adds up to. Involve the VCS in analysing this and adding their own perspective on unmet needs.
3. Refer offenders to VCS services using the new data on RAPPORT, and monitor the results.

Next steps - by Dec 2011:

- I. Tighten up on CJ staff finding small amounts of money to continue ad hoc funding for certain VCS projects outside of the commissioning process: make the process for obtaining funding transparent and based on the 'big picture' of all assessed needs.
- II. Review the effectiveness of all existing services to offenders, whether provided in-house or externally.
- III. Set up a mechanism to fund 'trial investments' in VCS services to find out what works in reducing reoffending. Review at regular intervals and evaluate at the end of the programme in 2014.

To work on with the VCS over the next year:

- a) In partnership with the VCS, discuss, debate and decide whether the role of the VCS is only to provide their expert services to offenders, or also to help reduce reoffending.
- b) Once the VCS role is clear, agree with VCOs whether identical or complementary approaches to risk assessment and risk management are required, and share good practice between the sectors.
- c) Work with the VCS to develop their role as providers - through joint learning and development, work shadowing and organisational healthchecks.

List of recommendations for the VCS

Most, if not all, the recommendations below will benefit from co-ordination and facilitation by GAVCA, CLINKS and other infrastructure agencies in the county, to ensure discussions and activities are co-ordinated and therefore make the best use of staff time in the statutory sector and VCS. (The recommendations that also involve the VCS in the above list above are not repeated here.)

Working together with statutory IOM partners:

1. Discuss within the sector and establish a VCS position (if possible) on whether VCOs should be part of the enforcement regime or remain outside of it and provide complementary services.
2. Understand and value the role and approach of the CJ staff, and their reasons for assessing and managing risk as they do.
3. Share and promote good practice tools for needs assessment, risk management etc.
4. Reduce the barriers between the sectors by offering work-shadowing opportunities or co-location for CJ staff, and take up opportunities to increase VCS knowledge of the work of the statutory IOM partners.
5. Continue to work in partnership with IOM and GSSJC at both strategic and operational levels.

Communicate what the VCS can offer to IOM:

- a) Don't blame CJ staff for not knowing about the VCS - work with the VCS infrastructure organisations to set up market events and publicise successes in working with offenders.
- b) Be clear how VCS services can and do complement the work of the Criminal Justice System in reducing reoffending. Be different - but be able to explain that difference and its value to CJ partners.
- c) Establish unit costs for services and market a clearly-explained offering to Offender Managers and other CJ staff, setting out what OMs and offenders can expect from the service. Ensure RAPPORT records are up to date.

Evaluation of what works:

- i. For those VCOs which already work with offenders, start now to put systems in place to work with service users who are also offenders to evaluate what motivates them to reduce their reoffending.
- ii. Develop partnership bids to obtain external funding for evaluating the effects of VCS services on offenders' behaviour.

Summary

This report has provided a timely insight into the similarities and differences between the VCS and CJS, with recommendations on how to overcome some barriers to working better together towards the aim of reducing reoffending. Commissioning has been shown to be more than the act of procurement, and this framework outlines the steps to be taken in partnership to build on existing work and make future commissioning a joint process that includes the statutory IOM partners, the VCS, and offenders as well.

Enhancing the involvement of the VCS in local IOM arrangements will be achieved with the dedication of time and effort from both sectors, following the guidance in this framework document.

Appendix One - more on the national and local context

National context

The Rehabilitation Revolution

The pilot project in Gloucestershire to involve the VCS in IOM is taking place in the wider national context of the Ministry of Justice's Rehabilitation Revolution which was set out in the Green Paper 'Breaking the Cycle'. Specifically, the paper states 'We must ensure our commissioning model harnesses the creativity and expertise that independent providers can bring. This includes the small and specialist voluntary providers and social enterprises. These providers can make a real difference with those offenders who are hardest to change.'

The expected timetable for these major changes is still some months into the future, as the Green Paper explains: 'We will publish a comprehensive competition programme for all offender management services in June 2011 which will set out our use of competition for the next four years and beyond. The programme will not only be designed to deliver efficiency savings but also to reform services and to develop the market.'

Several 'payment by results' pilots will be implemented across the country this year, and the Government plans for this mechanism to drive up the effectiveness of interventions with offenders to be the standard method of funding such work by 2015.

Big Society

The other main influence on current and future national policy is the Government's wide-ranging Big Society agenda. Much of the resource required to address the needs of adult offenders lies outside of the Criminal Justice System (CJS) - for example in local communities and within voluntary and community organisations. The Government is therefore encouraging the statutory and voluntary sectors to pool their resources and work together to reduce reoffending. Again, the Green Paper says 'We plan to introduce a local incentive scheme. This model asks local partners to work together to develop a plan to prevent offending and reduce reoffending. They will then jointly commission innovative services to fill any gaps.'

CLINKS, in its 'Big Society' report, acknowledges the wider application of harnessing the Big Society and community engagement to help reduce reoffending:

'There will also need to be a renewed emphasis on prevention and diverting potential offenders away from crime. This is essentially about creating communities where fewer people are marginalised and disempowered, and more people have a stake in society, regardless of age, gender, or ethnicity. And it is here that the VCS can make the greatest contribution; with its service user focus and its belief in developing healthy and productive relationships between 'helper' and 'helped'. The ability and willingness of the sector to be flexible and to negotiate and broker the engagement between users and the institutions and

services they require for successful rehabilitation and reintegration will be increasingly valued.'

Localism

The Localism Bill was introduced to Parliament on 13 December 2010. It will shift power from central government to individuals, communities and councils, to encourage innovation and enterprise within public services.

The Dept for Communities and Local Government's website states that "the Government will push power downwards and outwards to the lowest possible level, including individuals, neighbourhoods, professionals and communities as well as local councils and other local institutions:

- for services which are used individually, this means putting power in the hands of individuals themselves
- where services are enjoyed collectively, they should be delivered by accountable community groups
- where the scale is too large or those using a service are too dispersed, they should be delivered by local institutions, subject to democratic checks and balances, enabled by full transparency."

It is as yet unclear how this will be translated by the parts of Government responsible for Criminal Justice - namely the Home Office and Ministry of Justice. For the purpose of this commissioning framework, it has been assumed that the allocation of money and other resources will be determined at the county level by the GSSJC, with input on prioritisation and decision-making from district-level Councils.

Local context

Many changes are also happening locally. The Gloucestershire Safer Stronger Communities Partnership recently merged with the Gloucestershire Criminal Justice Board to form the Gloucestershire Stronger Safer Justice Commission (GSSJC), which met for the first time in February 2011.

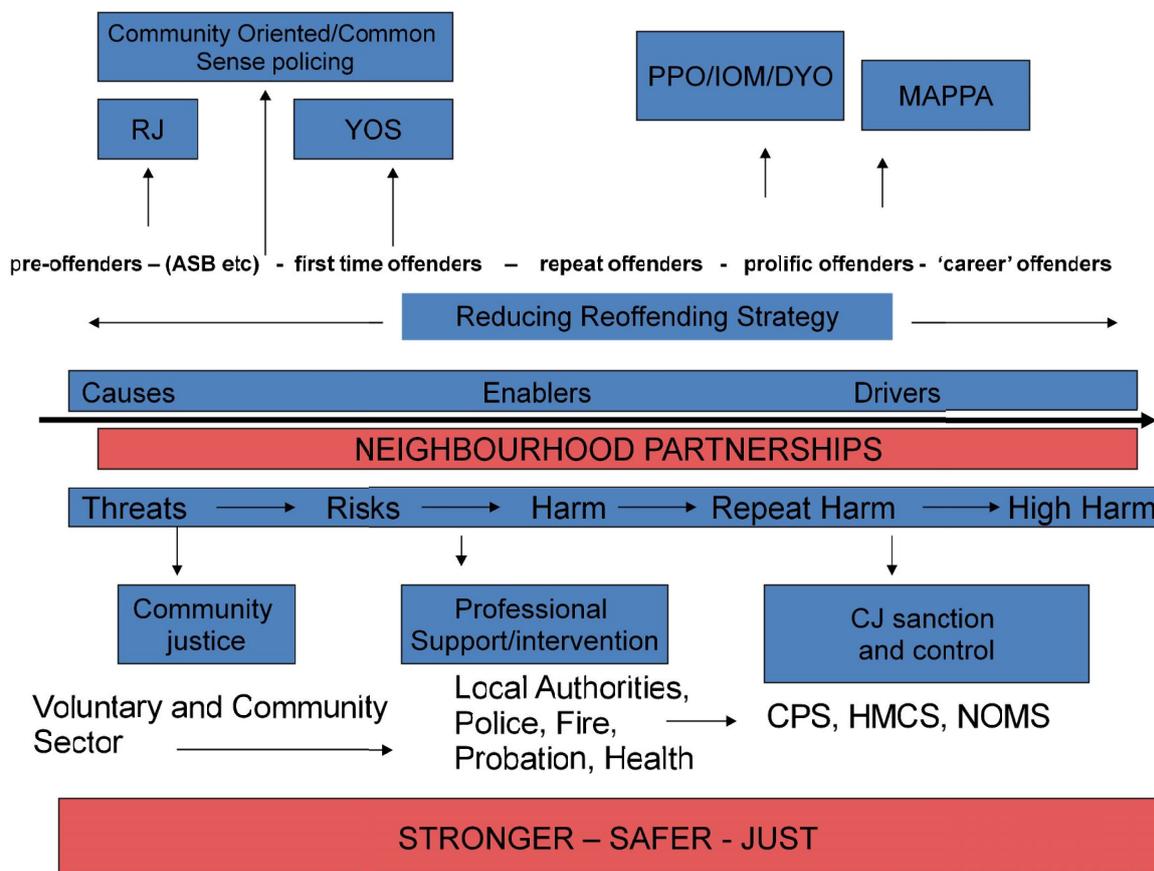
The GSSJC's Plan for 2011-12 states:

"Given the considerable uncertainty around future funding and the fact that 2011/12 will be a transitional year for the Gloucestershire SSJ Commission, it will focus on "bringing together a range of county and district level partnerships to form a single commission, to improve use of mainstream budgets in advance of the appointment of the first Police and Crime Commissioners." ⁷

One of the GSSJC's Terms of Reference is to: 'Commission, in partnership, effective interventions to ensure the efficient and effective delivery of Stronger, Safer and Just Priorities.'

⁷Quoting the Ministry of Justice Green Paper 'Breaking the cycle: effective punishment, rehabilitation and sentencing of offenders', December 2010, p.83.

The voluntary and community sector is integral to the GSSJC's vision to reduce harm to communities and individuals, as can be seen from the diagram below:



Gloucestershire Probation Trust's Commissioning Strategy states 'We do not commission services for offenders alone. Over 50% of the resources to support reducing reoffending are provided outside of the Criminal Justice system'.

In his introduction to the Gloucestershire Housing and Support Strategy for Offenders 2011-16⁸, the Chief Executive of the Probation Trust acknowledged that 'working in partnership does not simply mean working together, but that in working together we ensure the problems are analysed and solutions developed as a system. In this way we understand how changes in one part or place affect another, and join up our resources to avoid duplication.'

It is assumed that all the members of the GSSJC will align their commissioning strategies and processes, and adopt the county's partnership commissioning framework, in time for the appointment of the Police and Crime Commissioner in 2012. This commissioning framework document may therefore need to be revisited in future to ensure it fits in with the county approach.

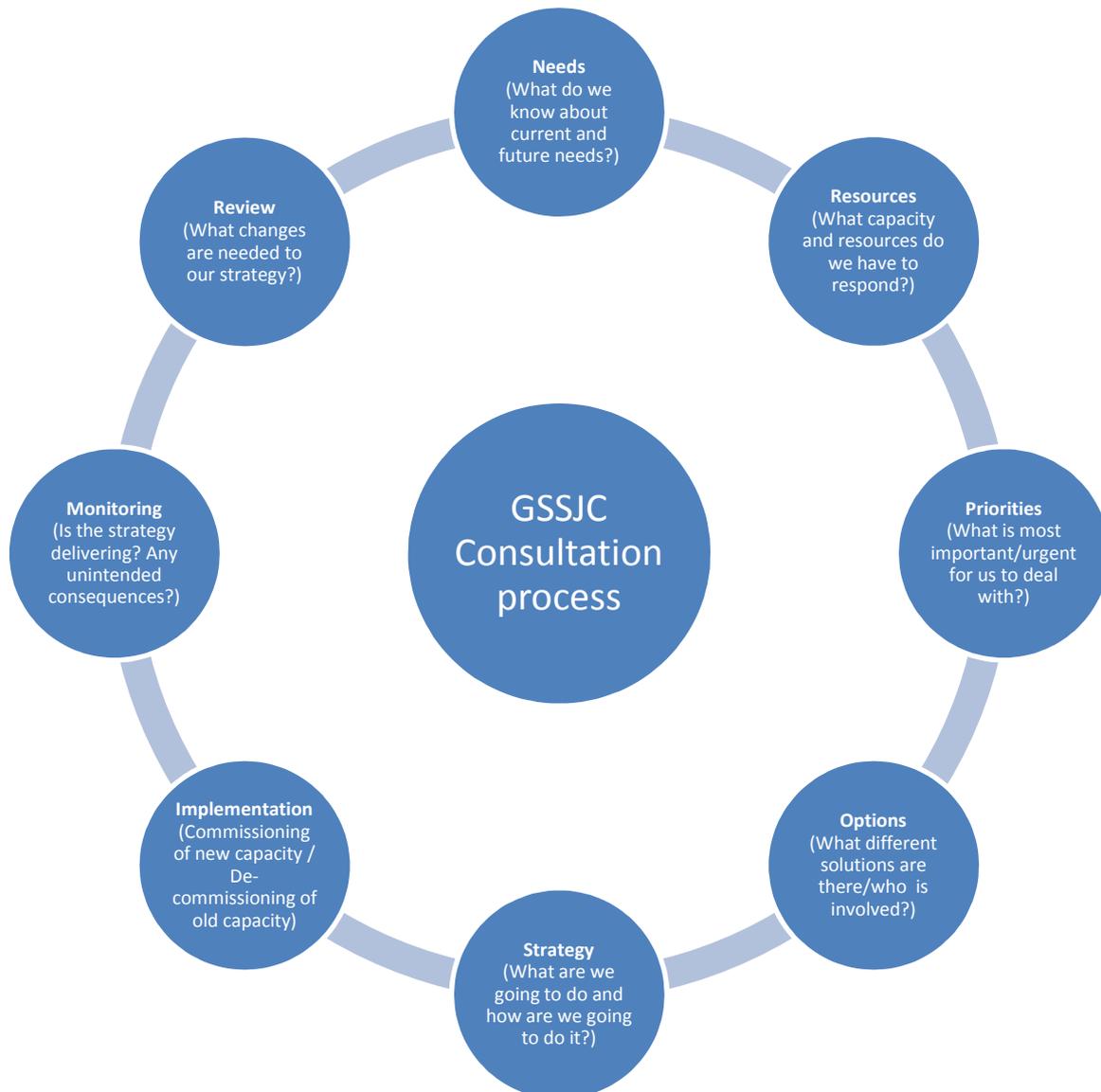
⁸Written by Nicholas Day Associates, Oct 2010.

There are several examples of excellent partnership working between the statutory and voluntary sectors already happening in the county. GAVCA, on behalf of the Voluntary Sector Assembly, co-ordinates the Safer Stronger Justice Reference Group for the VCS, which enables the sector to be influence local policy-making. The VCS also has representatives on the GSSJC and IOM Board.

Procuring CJ-related services from some VCS organisations has been in place for many years, with successful results in tackling offenders' problems. The contract for supporting victims of domestic violence whose partners are in the IDAP programme has just been awarded to a local voluntary organisation.

There is, therefore, much to build on - using this commissioning framework in the context of the GSSJC commissioning cycle in Appendix Two on the next page.

Appendix Two - GSSJC's commissioning cycle 2011-2012.



Appendix Three - what does 'working with offenders' mean?

As stated near the beginning of this document, the phrase 'working with offenders' could be interpreted in any one of the following four ways:

- providing services to offenders, which may or may not relate to or reduce their offending behaviour
- reducing reoffending amongst the IOM cohort
- reducing the *risk* of reoffending, as measured by OASys scores
- reducing offending in general in the county.

This was discussed with VCOs and CJ staff during the preparation of this report, and their responses are listed below. It should be borne in mind that these are the opinions of individuals working in the VCS and CJ services, not official position statements. They are presented to illustrate the differences of opinion within and between the sectors, and thus the need to clarify what outcomes are expected of the VCS when working with offenders.

Responses from VCOs:

- a. Except for a few VCOs which are already doing so, is the county's VCS experienced or confident enough in its abilities to work with prolific and priority offenders to want to take on a contract which is to get them to reduce their reoffending?
- b. Most VCOs in the county were set up to deal with their particular specialisms - eg supporting people with drug and alcohol, housing, family or debt problems. They are therefore experts in these fields, not in the reduction of offending as that is not their primary purpose. There are very few VCOs whose primary purpose is to work with offenders and reduce offending - the best known being NACRO, who currently do not have a presence in Gloucestershire.
- c. The statutory responsibility of reducing reoffending should be left to the CJ services, but the VCS can provide support to this by working differently with offenders - ie not as part of the enforcement regime.
- d. 'Reducing the *risk* of reoffending' is too woolly. How will a VCO know when it has achieved that as an outcome?
- e. The AARS (Alcohol Arrest Referral Scheme) contract requires the provider to reduce offending - and the result is 75% of offenders who are supported by the scheme do not re-offend within 12 months.
- f. Work is being done by at least one VCO to help offenders actively address their offending behaviour, although the overall contract is not specifically to reduce reoffending.
- g. Because the VCS isn't structured like CJ, it makes us a useful tool for case managers. If we modified ourselves to fit into CJ risk management, we'd be likely to lose our creativity and impact, and become arms-length versions of what is currently provided.

Responses from CJ staff:

- 1) Increasing the number of VCOs 'working with offenders' is a good aim and fits with the pilot work funded by CLINKS - however it is too vague to be part of a commissioning strategy where the assumption is that money will change hands for the return of specific outputs or outcomes.
- 2) 'Working with offenders' is a nice-to-have but will not help the statutory duty to reduce reoffending. The VCS can 'work with offenders' through its external funding.
- 3) Placing the burden of 'reducing reoffending' onto the VCS without the benefit of evidence about 'what works' is too great at this moment in time. Reoffending is dependent upon too many factors, including the whim of the offender who may return to offending even after many interventions and forms of support or rehabilitation have been provided. IOM commissioners are not yet well-enough informed about what works to be able to offer contracts to VCOs to produce this outcome.
- 4) Reducing the risk of reoffending is something that is measured and tracked on OASys through regular reviews of individuals in the IOM cohort. This is a source of ready-made feedback which shows the reductions in risk. However, it will be another step to then correlate these reductions with particular interventions.
- 5) The services provided by the VCS will not be done in isolation from the ongoing work of CJ staff, so it would be difficult to credit the VCS with reducing reoffending as CJ staff will have contributed as well.
- 6) Payment by results contracts concentrate on *reducing reoffending* as the outcome for which payment is made, so we should start as we mean to go on.
- 7) 'Reducing offending' is not a sensible target as there is no baseline. At least with reducing reoffending, it is measurable for each individual offender because it is known that they have offended before. Money can't be given in a contract to a VCO to go out and reduce the county's offending rates.
- 8) The big national VCOs are better at tackling the big issue of reducing reoffending than small or medium-sized local ones, who may not want to take on that responsibility.

Appendix Four - learning from a tender exercise

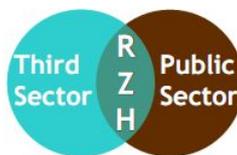
The Gloucestershire Probation Trust contract for support to victims of domestic abuse was due to end in March 2011, and so needed to be re-tendered during the period of this CLINKS/IOM pilot project. Although the commissioning cycle was not followed in full in this time span, the learning from the exercise was that enough time should be allowed to include the following steps - all of which are part of good commissioning:

- review the contract in question well before the re-tender date
 - consider what changes and updates should be made to the specification in the light of the review
 - consult beneficiaries and involve users of the service in the re-design (as even minor changes may make a big difference to the future effectiveness of a service)
 - involve the VCS and CJ staff who have knowledge of the service in the review
 - focus on outcomes as well as outputs - what differences should a contracted service make to offenders lives, and is the aim to reduce reoffending?
 - establish whether the provider is expected to add value and bring extra resources to extend the work, and make this clear in the tender document
 - set up an open and transparent tender process, compliant with the Gloucestershire Compact to ensure a level playing field for VCS bids
 - involve offenders or beneficiaries in the selection process, if possible
 - allow plenty of time for the set-up period when a new provider takes over the service, and ensure the provider understands all the statutory procedures they will have to engage with; including risk assessment, required training for staff etc
 - ensure adequate staff time will be devoted to managing the contract.
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This report was researched and written by
Rachel Z Hankins
on behalf of GAVCA, as part of a CLINKS/IOM pilot project
March 2011.

RZ Hankins Consultancy



working at the interface between the sectors

tel 07950 858273

email rachel@rzhankins.org.uk

www.rzhankins.org.uk