



Ministry  
of Justice

# Victims' Services Commissioning Framework

May 2013

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Foreword By  
Parliamentary  
Under-Secretary  
of State, Minister  
for Victims

This commissioning framework is a significant milestone in the evolving landscape for victims' services as the move to a mixed model of local and national commissioning takes shape.

The development of the commissioning framework forms part of the commitment the Government made last year in the consultation *Getting it right for victims and witnesses* to provide a systematic framework for commissioners of victims' services. Although not mandatory, the framework has a number of purposes: to help provide clarity about securing outcomes for victims; to establish performance monitoring so that commissioners can be held to account by the public for the funding decisions they have made while service providers will be accountable to commissioners for the services they are providing; and overall to provide advice and information on commissioning to those involved with victims' services in one useful document.

This framework is an iterative document; it will develop as commissioning for victims' services develops, informed by lessons learned and developing best practice.

I am committed to ensuring that victims and witnesses of crime receive the best support they can. I firmly believe that victims' services that are commissioned at a local level will mean that support can be targeted to those most in need. There are a number of services which the Ministry of Justice will commission nationally, and it is important that local and national provision complement each other, where possible, to ensure as seamless a service as possible for victims and witnesses.

The changing landscape of victims' service provision is part of a wider strategy to ensure

that victims are at the centre of the criminal justice system. The forthcoming update to the Victims' Code will allow victims to have clearer expectations on criminal justice agencies so that services can be better tailored to individual need.

Also, the victims' agenda has helped inform wider change to the criminal justice system, to be set out in the forthcoming Strategy and Action Plan. The plan will start from a simple premise that all parts of the criminal justice system should be working towards achieving the same set of outcomes.

Victims of crime are entitled to support that helps them in coping with the immediate impact of crime, and, as far as possible, recovering from its effects.

This framework has at its heart the principle that these outcomes drive how we commission, deliver and evaluate the support provided to victims.

Commissioners of services for victims, whether Police and Crime Commissioners or at national level, have a vital responsibility, in delivering the support victims need and to which they are entitled, and which we all as a society are entitled to expect.

I recommend this framework as important guidance as you undertake this task.



**Helen Grant**

# Acknowledgements



The Ministry of Justice was assisted in the early development of the Commissioning Framework by a voluntary, community and social enterprise reference group and also a cross-Government reference group.

The Ministry of Justice thanks the organisations listed for their input into the Framework and for providing valuable information.

### **VCSE Reference Group**

Acorns North Tyneside  
 Advance Advocacy  
 Aftermath Support  
 Age UK  
 ASSIST Trauma Care  
 Bede House Association  
 BRAKE  
 Catch 22  
 Coventry Rape & Sexual Abuse Centre (CRASAC)  
 First Step Leicester  
 GALOP  
 ISAS  
 Karma Nirvana  
 Lights for Life  
 Luton Hope Programme  
 Mothers Against Murder And Aggression (MAMAA)  
 My Sister's Place  
 NIA Ending Violence  
 NSPCC  
 Refuge  
 The Riverside Group  
 Safe!  
 Safe and Sound Derby

Support After Murder & Manslaughter (SAMM)  
 South Essex Rape & Incest Crisis Centre (SERICC)  
 Sexual Violence Alliance  
 Streetlife Blackpool  
 The Survivors Trust  
 The Jimmy Mizen Foundation  
 Victim Support  
 Voluntary Action NE Lincolnshire

### **Cross-Government Reference Group**

Birmingham City Council  
 Bradford Council  
 Cabinet Office  
 Cambridgeshire Office of Police and Crime Commissioner  
 Cumbria Police  
 Department for Education  
 Department of Health  
 Devon and Cornwall Police  
 Legal Aid Agency  
 Local Government Association  
 National Offender Management Service  
 Warwickshire County Council  
 Welsh Government Association

# 1. Introduction

This framework is intended as an introduction for those who will be commissioning victims' services at both national and local level. It is designed to help commissioners of victims' services and others understand the evolving commissioning landscape and aims to promote a shared commissioning language to support delivery of the best possible outcomes for victims of crime. Although this document does not act as mandatory guidance, it gives advice to commissioners on issues to consider when commissioning services for victims of crime. Some of the information contained in the framework is specific to victims, for example sections on measuring outcomes and the EU Directive; other sections are more generic and give an overview of commissioning and the different information that needs to be considered when undertaking this process.

## **1.1 Commissioning services for victims and witnesses of crime**

The commissioning process in England and Wales forms part of a strategic move towards more personalised services for local people and investment in the voluntary and community sector. As part of this process, from 2014, we will be moving to a model where the majority of emotional and practical support services for victims of crime will be commissioned locally by Police and Crime Commissioners (PCCs). At a national level the Ministry of Justice will commission a witness service, a homicide service, support for victims of human trafficking, support for victims of rape through rape support centres, some victims' national telephone help-lines and some other support

for victims of domestic and sexual violence. The framework is based on the outcomes of cope and recover which support services should aim to achieve and against which they will be judged. The framework provides an overview of the "understand, plan, do and review" cycle which is at the heart of all good commissioning.

## **1.2 What is commissioning?**

Commissioning is not a new concept. It is about securing the best outcomes, at the best value and ensuring continuous review of whether services achieve success in addressing the needs of victims of crime.

The widest definition of commissioning is, deciding how to use the total resources available in order to improve users' outcomes in the most efficient, effective and sustainable way. This definition is important as it shifts the focus from measuring success based on the number of users receiving a particular service, to commissioning for improved outcomes based on the ability of victims to return to the life they had before the crime took place. Successful commissioning is not simply based on how to best optimise the use of money. It encompasses a full range of resources, many different ways of improving outcomes, partnership working and assessing a range of services available to secure better outcomes as well as securing value for money.

## **1.3 Key principles of the framework**

Rather than measure success against factors such as how many victims have been contacted or referred for assessment, success will be based

on how a service has supported a victim and the results of that support. The framework focuses on outcome based commissioning which is far more effective for achieving the overarching outcomes of supporting victims to **cope** with the immediate impacts of crime and **recover** from the harm experienced. That is not to say that output measurements are not useful; however used in conjunction with outcomes it will help give an overall picture as to the effectiveness of interventions and the value they are providing.

Cope and recover are outcomes which support services for victims should aim to achieve and against which they will be monitored. Cope and recover are part of the social values that commissioning of services for victims of crime seeks to address. Social values success reflects more than just financial success and includes a person's happiness, wellbeing, health, inclusion and empowerment. This focus should encourage victims' service providers, supported by their commissioner, to work in partnership with other organisations to ensure the holistic needs of victims are met.

Eight categories of need have been identified as those areas which support services should aim to help victims with during the course of their intervention. The response to the consultation "Getting it right for victims and witnesses" agreed that those categories of need are:

- mental and physical health;
- shelter and accommodation;
- family friends and children;
- education, skills and employment;
- drugs and alcohol;
- finance and benefits;
- outlook and attitudes;
- social interactions.

Services provided to victims should be targeted at those who have suffered the greatest impact from crime. The following sets out in detail those victims who should be prioritised for support.

**Victims of serious crime** – murder and manslaughter, rape, sexual violence, terrorism, and violent crime such as wounding or causing grievous bodily harm with intent are areas where the impacts of crime can be particularly far reaching for victims. However as a particular crime type does not always reveal the full impact of violent crime on victims, it will be for commissioners to exercise their judgement in assessing needs. Other criteria to determine the seriousness of a crime and therefore eligibility for support may be set by commissioners.

**The most persistently targeted** – crime, even where seemingly less serious, can have a devastating impact on victims when committed again and again over a period of time, particularly where a victim is deliberately targeted. This should be taken into account as needs are assessed, and support provided.

**The most vulnerable & intimidated** – these are the people who are most likely to become victims, or who need particular assistance in coping with the consequences of crime or to engage with the criminal justice system. They might include: people who are isolated, or lack social or family support; those who need assistance in managing their own affairs; those who are more likely to be a victim of crime than members of the community generally (for example, by reason of age or medical condition) or less able to cope with the consequences if they do; and those who are able to benefit from additional or special measures in relation to court proceedings.

## **1.4 PCC funding for services supporting victims of crime**

Grant funding for the commissioning of services will be provided to PCCs by the Ministry of Justice under powers given to the Secretary of State by section 56 of the Domestic Violence, Crime and Victims Act 2004 (DVCVA 2004). This provides that the Secretary of State may "pay such grants to such persons as he considers appropriate in connection with measures which appear to him to be intended to assist victims, witnesses or other persons affected by offences". The section also allows the grant to be made subject to such conditions as the Secretary of State considers appropriate.

The Government is currently taking forward legislation to provide PCCs with clear powers to provide or commission a wide range of services for victims, witnesses and others affected by offences. The legislation will enable PCCs to commission via grant or contract or provide services themselves.

The intention is that service provision by PCCs focus on support services for victims of crime (a person who has suffered harm which was directly caused by a criminal offence, or in relation to a person whose death was directly caused by a criminal offence, a family member who has suffered harm as a result of the person's death, or a family member who has been affected and suffered harm as a result of a criminal offence against the victim) and conditions of the grant will make this clear. It should be immaterial whether a complaint has been made about the offence, or whether the offender has been charged or convicted.

Victim services currently also provide support to some witnesses if required (for example, to

someone who was the witness of a particularly distressing violent crime), and this is not envisaged to change. The main source of support to witnesses will be the court-based witness service that is to be centrally commissioned by the Ministry of Justice. Other persons affected by offences could, for example, include the children of women victims of gender based violence.

The legislation will also enable PCCs to provide or commission services for victims, witnesses and others affected by anti-social behaviour not directly caused by a criminal offence. However, the funding issued by the Ministry of Justice under s.56 of the DVCVA cannot be used for this purpose - PCCs may wish to use other sources of funding to commission services for these victims.

How victims' services are to be commissioned and provided in a PCC area is a matter for the local PCC to decide (except where conditions of the grant specify). Locally commissioned services must be able to operate across geographical PCC boundaries and PCCs can join together to commission services. PCCs may wish to collaborate with other agencies (for example Department of Health or Local Authorities) in the provision of support services for victims of crime.

## **1.5 Wider victims' strategy**

### ***Code of Practice for Victims of Crime***

Commissioners should be aware of plans to revise the Code of Practice for Victims of Crime (Victims' Code) to give victims clearer entitlements from criminal justice agencies and to better tailor services to individual need. The Victims' Code governs services to be provided to victims of crime by criminal justice agencies in England and Wales. This includes a series of

duties criminal justice agencies must fulfil to ensure victims receive the right services and information when they need it. The Code aims to provide an enhanced service to victims of the most serious crime, the most persistently targeted and vulnerable and intimidated victims.

when supporting victims with complex needs. Commissioners can have a positive key role in ensuring a multi-agency victim strategy is in place.

### ***EU Directive on Victims***

The wider strategy also includes the forthcoming implementation of the EU Directive on the rights, support and protection of victims of crime. Further information on the EU Directive and its impact on victims' services commissioning, can be found in section 8. Commissioners of victims' services, whether local or national, should familiarise themselves with the content of the Directive and consider the implications for commissioning services in order to comply with the Directive. Conditions of the grant to PCCs will include reference to commissioning in accordance with the Directive.

### ***Local Victims' Strategies***

Victims can have complex needs. Increasingly it is being recognised that to meet the needs of groups of people with complex needs a partnership approach is required. As part of their commissioning role PCCs can have a key advocacy role in ensuring the victim's pathway through the criminal justice system runs smoothly and partners work effectively to meet the personalised needs of victims with complex needs.

Victims' services can work most effectively where there is a clearly owned partnership strategy to enable the needs of victims to be identified and addressed by all agencies. Such a partnership approach is common place in dealing with offenders and no less should be expected

## 2. National Commissioning

The Government is clear that the majority of victims' services should be commissioned locally – and that PCCs are well placed to make these decisions for their areas. However there are exceptions to this.

### **2.1 Services to be nationally commissioned by the Ministry of Justice**

The Government's response to the consultation "Getting it right for victims and witnesses" recognised that there are some high impact but low volume services for victims of crime which will continue to be commissioned and funded by the Ministry of Justice. Relying on each individual PCC to commission and sustain local specialist services when there are relatively few incidences of the crime is inefficient and may risk under-provision in some places.

In addition, in its response to the consultation, the Government recognised the case for national commissioning of the court-based witness service. It is the intention in commissioning this service both that the service meets the need to work effectively with wider witness services and structures provided by CJS agencies and that at local level it recognises the need to be sufficiently flexible to work effectively with locally commissioned victims services.

The services to be commissioned by the Ministry of Justice include:

- Rape support centres;
- Services for victims of trafficking;
- A homicide service; and
- A court based witness service.

There are also plans to centrally commission:

- Some national telephone helplines; and
- Some domestic violence and sexual violence services.

At the time of writing, the nature of both the helplines and domestic/ sexual violence services is still to be confirmed.

### **2.2 Victims' Commissioner**

The role of the Victims' Commissioner is to ensure the voice of victims and witnesses are heard at the heart of Government, making sure their needs in relation to the whole criminal justice system are represented. The Commissioner will also keep under review the operation of the statutory Victims' Code and its use by criminal justice agencies. The Victims' Commissioner is expected to produce an annual report on the performance of their functions to the Justice Secretary, the Attorney General and the Home Secretary, and to give advice to a Minister of the Crown or to the Treasury when required to do so. The Commissioner's functions are set out in the Domestic Violence, Crime and Victims Act 2004 (as amended). The Victims' Commissioner has no powers to award grants and has no commissioning powers.

## 3. Commissioning Cycle

As commissioners will be aware there are many different descriptions of the commissioning process. Whilst this cycle is not new it has been tailored toward the commissioning of national and local victims services. Primarily it aims to ensure that services are designed around improving outcomes for victims of crime.

The simple commissioning cycle of understand/analyse, plan, do and review is the easiest cycle to recognise. This model also complements the Cabinet Office Commissioning Academy Commissioning Cycle values. There are a range of more detailed frameworks which breakdown each of these elements into sub elements. In many ways these can often focus on the process of commissioning to the exclusion of its main purposes which is to understand what is most needed to make the process work in order to improve outcomes for the users of victims' services.

The process, which needs to be underpinned by a focus on the victims' needs as well as capacity, capability and culture, can be described in the cycle of understand, plan, do and review. Below are the basic stages of the commissioning process. The model can be adapted by commissioners at local or national level as they choose providing that:

- services and users identify with, support and agree commissioning principles;
- all partners agree and understand the process;
- the process covers a shared model for understanding needs, planning, delivering

value for money outcomes and an open review of the effectiveness of these services to return an individual to their previous or comparable level of well-being.

### 3.1 Converting inputs to outcomes

The widest definition of commissioning is deciding how to use the total resource available in order to improve victims outcomes in the most efficient, effective and sustainable way. The diagram below describes public resources that come into an area and the outcomes that are being sought. This applies to both national and local commissioning.



### 3.2 Commissioning cycle for victims' services

All commissioning cycles are similar in that they follow a continuous service improvement model with a four stage approach. Although the group at the centre of the cycle below is the "community", this cycle applies equally to commissioning for different types of end user, whether at a local or national level.



#### Understand

(approximately 2-3 months to complete)

Recognise the outcomes you want to achieve, identify local needs, the resources and priorities you are working with and decide what the accepted outcomes will be. To achieve this, local commissioners should be assessing existing services in their area and creating new, or improving on existing, links with local authority, Health and Wellbeing Boards, educational and criminal justice bodies to improve outcomes for victims. Victims themselves and existing service providers are a key source of information and may be used to identify local and national victims' priorities, as well as feedback from and engagement with local victims' groups in an area. It is also useful to consider forming cross border collaborations with neighbour commissioners to examine scope for joint service provision for low volume, high impact services. Early consideration should be given to the benefits of using collaboration agreements, grants or contract tendering for victims' services.



**Plan**

(approximately 2-5 months to complete alongside Understand element)

Map out and consider ways of addressing victim service needs identified by the assessment. Can they be addressed effectively, efficiently and in a sustainable way, individually and collaboratively? By doing this optimal use can be made of available resources, strategic planning can begin between commissioners and service providers. By taking these decisions commissioners will be working towards next steps to improve or change existing services processes or create new services in response to identified needs. Service providers and local partnerships should be involved in the planning phase to add their expertise to the process by setting out the priorities for commissioning services from or with partners for agreed funding cycles. The planning phase should also inform the commissioner's decision making as to the best form for the tendering process, i.e. whether to commission through grants and/or, contracts. The nature of the best form of contracting model can also be considered in this phase, e.g. should a grant be performance related, should a contract be on a payment-by-results basis and how collaborative models of delivery will be considered.

**Do**

(up to 3 months for tendering process and deciding successful bids)

Accountable, open and transparent commissioning will enable commissioners to take decisions to secure improved outcomes. Take decisions based on actions identified in the 'plan' stage using a full range of services from identified providers and partners.

**Review**

(quarterly, bi-annually, yearly or at periods defined by the commissioner)

Ensure services are accountable to victims by continuous monitoring of their delivery of services against agreed outcomes. Actively seek to include service users so they are involved in the outcomes which commissioning strives to achieve. Make certain public priorities are being delivered. In effect this is asking did our 'do' or action phase deliver on the 'plan' stage of the cycle put in place based on our 'understanding' of victims' needs.

*\*Timings indicated are for guidance only; commissioners will be best placed to decide how long to spend on each part of the commissioning cycle depending on the scale of the programme of work.*

When interpreting and using this cycle, it is important to understand that:

- the cycle is never closed and can be influenced by success or failure;
- is not a rigid model but a guide to assist those working in commissioning and providing victims' services;
- the model is not prescriptive about the length of time to achieve success; this might take time;
- stages of the cycle are dynamic rather than fixed;
- the commissioning cycle is intended to be a continuous improvement process with learning and feedback from each complete cycle feeding into improving the next.

(Information taken from APACE Commissioning Guidance)

### **3.3 Principles of good commissioning**

The Government is working to improve commissioning to get the best possible services that deliver value for money. The National Audit Office has outlined eight principles of good commissioning. If embedded, these could provide efficiency gains and community benefits, through smarter, more effective and innovative commissioning, and optimal involvement with third sector organisations in public service design, improvement, delivery and holding the public sector to account. This should result in better public outcomes for individuals and communities.

The eight principles of good commissioning are:

1. Understanding the needs of users and other communities by ensuring that, alongside other consultees, engagement is made with the third sector organisations, as advocates, to access their specialist knowledge;
2. Consulting potential provider organisations, including those from the third sector and local experts, well in advance of commissioning new services, working with them to set priority outcomes for that service;
3. Putting outcomes for users at the heart of the strategic planning process;
4. Mapping the fullest practical range of providers with a view to understanding the contribution they could make to delivering those outcomes;
5. Considering investing in the capacity of the provider base, particularly those working with hard-to-reach groups;
6. Ensuring contracting processes are transparent and fair, facilitating the involvement of the broadest range of suppliers, including considering sub-contracting and consortia building, where appropriate;
7. Ensuring long-term contracts and risk sharing, wherever appropriate, as ways of achieving efficiency and effectiveness; and
8. Seeking feedback from service users, communities and providers in order to review the effectiveness of the commissioning process in meeting local needs.

(National Audit Office Successful Commissioning Toolkit).

The principles do not mention grant making but neither do they preclude it (see section 7 for more information on the differences between grants and contracts).

## 4. Assessing Need



Assessing need is a crucial step in the commissioning process. It is concerned with ensuring that commissioning intentions are informed by an understanding of need of victims and whether these needs are met by existing services. If understanding of people's needs is poor then the design and delivery of services is unlikely to meet their needs and achieve the outcomes required. This represents poor value for money. A good understanding of the current and likely future needs of the local population is crucial if a suitable strategy to meet those needs is to be produced and put into practice economically, efficiently and effectively.

In relation to commissioning of victims' services, particularly commissioning by PCCs, an assessment of a local area provides commissioners with an opportunity to identify and understand what services are currently available to victims across their area. By mapping local activities commissioners will understand what services are available for victims from public, private and third sector providers. Understanding of need will identify gaps or duplication of services.

Assessment systems provide opportunities to support service improvements, reduce service overlaps and gaps and move resources. Although some services may be working well having this understanding will help commissioners identify where there is a case for wider design in order to achieve better outcomes for victims' services.

Needs assessments also provide opportunities for commissioners and local service providers to engage at an early stage which will ensure equality for small or specialist services when bidding for funding.

## 4.1 Key components of a needs assessment

There are a number of components which comprise a needs assessment. This example is taken from the APACE commissioning guidance (Understanding community need, July 2012) which suggests that the needs assessment process can be divided into four main stages:

### Preparation

A good starting point is to draw together any needs assessment which may currently exist or drawing on any mapping of service provision. An assessment of these will help define the additional work required.

### Data collection

This will provide the evidence needed for the assessment. Data needs to be edited for accuracy and then stored so it can be analysed.

### Data analysis

The close investigation of the data collected, "unpicking" it to see if there are important issues that needed to be looked at in more detail, or understanding why certain occurrences happen, where and when they do. Understanding this will allow you to help tailor interventions and services.

### Presentation and planning

Using the data and the analysis to develop objectives, prepare proposals and respond in a well-informed way is the ultimate objective of data collection.

This alternative structure of a needs assessment, taken from the Improvement and Development Agency, is similar in its approach:

### **National, regional and local strategic context**

This will include an overview and understanding of national policies and initiatives relevant to support services for victims of crime plus local issues and how the locality fares in relation to others in terms of its social, economic and environmental factors as well as its support services for victims of crime.

### **Quantitative analysis**

The quantitative analysis will describe the local area in demographic and socio-economic terms and place this in a national and regional context. Data sets on which to draw include demography, socio-economic and health and well-being.

### **Qualitative analysis**

Whilst much of the quantitative information will already exist and will require analysing and cross-referencing, qualitative information may need to be specially instigated for the purpose of the needs assessment. It is worth emphasising the benefits of working in partnership here – to share the results of different agencies' research, making the links between different aspects of need, but also sharing the resources. There are opportunities to be creative and innovative in the qualitative process, and engage stakeholders through different participatory methods.

### **Analysis of existing provision**

Knowing what is currently provided and the effectiveness of the range of services is the next component. This will take into account services provided by local authorities, other statutory partners, private sector and third sector.

### **Gap analysis**

The gap analysis will examine the balance of supply and demand or need – the existing provision against the quantitative and qualitative needs analysis. It is important that the gap analysis also takes account of future scenarios.

## 4.2 Methods to assess need

Building on the components above, there are a wide variety of ways in which need can be assessed. These include:

- insight from members of strategic and themed partnerships;
- evidence from specific working groups or service reviews;
- insight from current service providers;
- evaluation of current performance in relation to service providers own specific outcomes and evidence of effectiveness;
- evidence from statistical returns and demographic data;
- service user feedback, including current user satisfaction plus non-user surveys;
- input from local people/service users (including through surveys, user groups, community events, specially convened meetings or conferences); and
- research and mapping exercises.

## 4.3 Engagement with service providers

Engaging with service providers is key to understanding need and can provide a number of benefits.

For commissioners, it will increase understanding of:

- The needs of users and of the types of services that might best meet those needs. This will be especially effective in the case of engagement with those who use the service and service providers that are closest to the users and that may be involved in advocacy on their behalf;

- What the service providers have to offer as potential providers of public services (and, therefore, as potential partners in a financial relationship with commissioners);
- Whether there is any scope for service providers to work together to provide services.

The perspective of managers and practitioners from provider agencies are a valuable element, and can be collected by:

- meetings with individual service providers;
- service provider forums;
- focus groups with service providers.

Working with service providers can help achieve good value for money because commissioners' assessment of need is better for doing so and/or the time and cost of consultation and engagement with populations and users is reduced. Ensuring that service providers are involved at an early stage should also help engagement with some hard to reach groups who some service providers cater for as they don't often engage, for example BME groups or those with disabilities. Encouraging hard to reach groups to become involved in shaping local service provision will enable all voices in the community to be heard and will hopefully result in appropriate and relevant services being commissioned.

For the service providers, it will:

- Keep them up to date with policy intentions;
- Give them an opportunity to influence commissioners, especially through their close understanding of the needs of users (particularly the most hard to reach);

- Update them on opportunities to take part in commissioning processes that may lead to financing from commissioners.

Although this happens at the beginning of the commissioning process, engagement with, and talking to, service providers should be an ongoing activity. The Compact sets out the best way to do this to ensure the most productive input from the third sector. (The Compact is the agreement between the government and the voluntary and community sector (independent voluntary organisations, charities, community groups, etc.) which outlines a way of working that improves their relationship for mutual advantage – see the link below for further information on The Compact. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/61169/The\\_20Compact.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61169/The_20Compact.pdf)).

#### Comments from a victim service provider on early engagement

“The commissioning frameworks that are in use tend to follow the same principles and ‘cycle’ which works on paper, but not always in practice. Commissioners require an in depth understanding of the service users needs that many may not have - an independent specialist in this area of work to raise questions would be a helpful contribution to the process as would an interview with prospective service providers. Commissioning should not be just a paper based exercise that favours professional bid writers”.  
(Domestic violence organisation)

#### 4.4 Categories of need

Commissioners of services for victims of crime will need to be aware of the eight categories of need which were developed at the time of the consultation “Getting it right for victims and witnesses”. These categories of need are the areas in which service providers should aim to help victims of crime achieve improvements in their life following the offence which occurred. The categories of need are:

- Mental and physical health;
- Shelter and accommodation;
- Family, friends and children;
- Education, skills and employment;
- Drugs and alcohol;
- Finance and benefits;
- Outlook and attitudes; and
- Social interaction.

Whilst these areas of need are distinct to the types of needs assessment that commissioners will be carrying out which are more focused on assessing community requirement, it is important to bear in mind that commissioned services will need to be able to demonstrate that their service provision can achieve improvements in any of these areas that a victim needs assistance with.

Victims’ needs are complex, dynamic and wide ranging and this is reflected by the breadth of support services available. These needs should be considered by commissioners when planning additional outcomes for local and national victims’ services and should be embedded into all stages of the commissioning process.



#### **4.5 Types of service that have been funded by Government**

Through various funding streams, the Government has funded a wide and diverse range of services for victims of crime. Local commissioners, when looking to assess the need of the local community, may wish to bear in mind the types of service that have been funded previously and could be funded at a local level in the future if there is a specific requirement.

- Advocacy
- Information provision
- Counselling
- Peer support
- Practical assistance
- Emotional support
- Shelters/interim accommodation
- Telephone helplines

The type of services listed here does not preclude commissioners, particularly local commissioners, from commissioning other services they think will be suitable for the victims of crime they are commissioning for, which should be based on need.

# 5. Measuring Outcomes



## 5.1 What are outcomes?

Outcomes can be described as “the changes, benefits, learning or other effects that happen as a result of services and activities provided by an organisation which result in a sustainable change in user behaviour, condition and/or satisfaction” (Growing Independent Organisations website). Outcomes are of particular relevance at the Do, Review and Plan stages of the commissioning cycle.

Measuring outcomes and publishing any corresponding outcome data is important for tracking the progress of service users, monitoring and improving the quality of service delivery and providing evidence of the service’s impact to funders (Callanan, M., Brown, A., Turley, C., Kenny, T., and Roberts, J. (2012a)). It is now vital that commissioners recognise the importance of outcome monitoring in their funding structures.

As a result of this, service providers will be expected to demonstrate that the service they are providing is of good quality and achieving the desired outcomes.

Victims’ service providers are expected to achieve two outcomes as set out in the Government consultation “Getting it right for victims and witnesses”: helping victims first to **cope** with the impact of crime and, and subsequently to **recover** from the harm they have experienced although not all victims will return entirely to the lives they had before. It is open to commissioners to consider further outcomes in addition to cope and recover if appropriate. An outcome based approach to commissioning victims’ services aims to improve the experience of victims and demonstrate the real benefits services provide to victims of crime.

To date funding has been provided to a wide range of voluntary, community and social enterprise organisations to provide support services for victims and witnesses. Traditionally funders agreed which services to provide and performance success was usually based on outputs i.e. the number of people receiving a service (“Getting it right for victims and witnesses”). Pure output measures are no longer considered a suitable method for evaluating the successes of victims’ services on their own as it lends itself to the amount of service activity rather than the outcomes of the service (Callanan et al, (2012a) Evidence and Practice Review of support for victims and outcome measurement) and the principles of cope and recover.

It is important to understand the difference between outcomes and outputs. Measuring outcomes relates to changes made as a result of the service, for example have the services provided to victims improved their circumstances, how have they improved and has this had the desired effect on the user?

As mentioned, previously many of the targets that service providers report on are measured in outputs which are focused on delivery of a service rather than the outcome. By setting desired outcomes commissioners will encourage services to become more innovative and focus their support on helping victims to cope and recover.

There is little advice or information about outcome measurement aimed specifically at the delivery of those services supporting victims of crime. The Evidence and Practice Review of support for victims and outcome measurement, and accompanying resource (Callanan et al, 2012a; Callanan, Turley, Brown and Kenny, 2012b) provides information on outcome measurement and quality assurance in the victim support sector. This information is useful for victim's services and commissioners when developing outcome measurement and quality assurance approaches and should be considered.

## Summary

Outcomes are the changes, benefits learning or other effects that happen as a result of services and activities provided by an organisation.

Service providers who help victims of crime are expected to achieve two outcomes: cope and recover (commissioners may wish to add further outcomes if appropriate).

Measuring outputs on their own fails to take account of the wider benefits of a service to a victim.

There has been no formal approach to measuring outcomes in the victim support sector but the Evidence and Practice Review of support for victims and outcome measurement and associated resource (Callanan et al., 2012a; 2012b) helps to provide commissioners of services and service providers information on outcome measurement.

## 5.2 Benefits of outcomes measurement for commissioners

Outcomes based commissioning is where a commissioning body agrees to fund a provider on the basis that they will achieve particular agreed outcomes.

Commissioning services using an outcomes based approach has clear benefits. The approach:

- Increases certainty about the outcomes sought by citizens and communities and enables the state to communicate these clearly to service providers through an agreed mechanism;
- Focuses incentives on achieving desired outcomes;
- Gives responsibility for achieving outcomes to those who can most effectively achieve them, namely the providers of services;
- Encourages innovation, since providers are incentivised to explore new ways to achieve better outcomes; and
- Allows providers flexibility in the way they deliver their service tailoring it to local and personal preferences.

(20:20 Public Services Trust: Better Outcomes, 2009)

Setting agreed outcomes for service providers means commissioners can influence outcomes and efficiency throughout the **commissioning cycle** whilst improving victims' chances of coping and recovering from the crime committed against them. Some **meaningful outcomes** which can highlight the impact of the service are, for example:

- Providing information on the specific interventions clients requested and were achieved;
- Comparing the profile of abuse (including type of abuse, level and escalation) at intake to the service vs. exit to the service;
- Clients reported outcomes at entrance and exit to the service:
  - Feelings of safety;
  - Feelings of fear;
  - Quality of life;
  - Confidence in accessing support.

### Summary

Determining outcomes are important because it can help organisations to concentrate on their aims, provide effective support and improve the quality of the services they are delivering.

It is important to engage with service providers when setting outcomes which are in addition to cope and recover.

### 5.3 The reality of measuring outcomes

There is much information available on the theory and process of commissioning however, this is not specific to the victim's services sector. A real difficulty for commissioners is identifying services which add measurable value to the lives of victims of crime in their local areas.

The principle of 'outcome-based' commissioning is the standard used across many public-sector organisations. In the victim's services sector practical consideration for victim specific outcomes should be focused on. Considerations include what evidence there is of victims' needs following a crime, what services or interventions have been shown to work at a national and local level and what information should be provided to the victim so that they receive the correct interventions to help them to resume their former lives as closely as possible. Consideration should also be given as to whether the aims and outcomes of the service provider have been met.

It has been suggested by voluntary sector contributors to this framework that victims are often contacted by a number of services/agencies and this is not always a joined up process. To make full use of their resources commissioners should look for duplication in services as well as gaps in services.

Services use a range of approaches to measure outcomes and these can vary according to the needs of the victims they serve. For some services there is a wide range of monitoring required, which can be time consuming. It is therefore important that commissioners and service providers agree which (additional) outcomes will be useful to measure and what the process will be for collecting the information.

In addition, commissioners should have identified local services available to victims and have an understanding of victims' needs and the challenges faced by service providers as a result of their assessment of local activities.

### 5.4 Research findings from the Evidence and Practice Review of support for victims and outcome measurement

Research commissioned by the Ministry of Justice and carried out by the National Centre for Social Research (NatCen) presented in the Evidence and Practice Review of support for victims and outcome measurement (Callanan et al., 2012a) and associated resource (Callanan, Turley, Brown and Kenny, 2012b) (<http://www.justice.gov.uk/publications/research-and-analysis/moj/2012/evidence-and-practice-review-of-support-for-victims-and-outcome-measurement>) reviewed the existing evidence and practice surrounding victims' service needs, outcome measurement and quality assurance in the victim's services sector.

The review indicated that service providers used a range of approaches to outcome monitoring and measurement. Some providers have invested considerable time and resources in the development and implementation of outcome focused approaches, whilst others have not considered this kind of measurement in detail. (Callanan et al., 2012a)

The aforementioned associated resource – Measuring outcomes for victims of crime: A resource (Callanan et al., 2012b), stemming from and based on findings from the review, is designed to help those third sector service providers providing support for victims to identify and monitor outcomes and suitable quality standards (as well as potentially for

service commissioners in designing service contracts). It outlines a resulting 10-step process covering designing the outcome measurement approach; implementing it; making use of the outcome data and reviewing the outcome measurement approach.

The following section (5.4) is a brief outline of key issues that both commissioners and service providers will need to consider when thinking about the process of measuring outcomes.

**This information is taken from the Evidence and Practice Review of support for victims and outcome measurement (Callanan et al., 2012a) itself. The review and associated resource contain more detail on each of the following sections as well as further useful information – and should be consulted.**

### **Approaches used by service providers to measure outcomes**

#### ***Audience***

It is important to establish early on the **audience** for whom the following types of data are intended for.

#### ***Victim-reported outcomes***

Victim-reported outcomes were a key approach identified by the review for outcome measurement.

Two broad approaches were used: self-reported psychometric scales and service user questionnaires.

#### ***Psychometric scales***

One method to measure outcomes identified by the review was the use of established psychometric scales. These were used particularly in relation to health and wellbeing

and re-integration and were designed to measure psychological distress. Benefits of the approach include psychometric scales having undergone rigorous scrutiny and that they allow for comparisons to be made across diverse provision. However, it was reported that, used on their own, they did not sufficiently capture victims' outcomes or the whole complexity of the case. It was also reported that psychometric scales can increase anxiety among victims and therefore they should be used sensitively.

#### ***Service User questionnaires***

Bespoke service user questionnaires were used to capture outcomes across a range of categories. Advantages of their use were that they could be tailored to the service and that they offered a way of capturing information on outcomes directly from victims. However, service providers raised concerns about their use, for example, the potential difficulties in reporting outcomes in this way for particularly vulnerable groups (e.g. those with learning disabilities) and that where data collected was at the end of a service it was difficult to attribute outcomes to the service or capture change over time due to lack of baseline data. In addition it was reported that validity issues were raised in regards to victims' ability to remember the service provided and that users may be reluctant to report experiencing a negative service.

#### **Further approaches**

#### ***Staff-reported outcome***

This approach relies on the professional knowledge and expertise of those working with victims to capture and record the outcomes for the victims they support. Staff used case notes to capture outcomes and/or recorded outcomes in electronic case management systems (through quantitative and qualitative

methods). Advantages of this method were that it was regarded as a cost effective way of identifying outcomes and utilised the expertise of practitioners. A concern about this approach is the possibility for staff to overstate positive outcomes. These types of measurement structure can also increase the burden on staff and resources and therefore detract from delivery roles.

### **Hard outcome measures**

For the review these were measures that were easily observable and therefore less subjective. Hard outcomes in relation to victims' services could include whether or not a victim returns to work, is re-housed or receives financial compensation. Hard outcomes were felt to be comparatively straightforward to capture and less susceptible to bias. However, interpreting their meaning may not be so straightforward, if there is a lack of contextual information.

### **Qualitative outcome measures**

Qualitative measures to capture soft or intermediate outcomes (for example increased social interaction or improved coping mechanisms) that are more subjective were considered by the review to also be of real importance to help provide the context and complexity that the hard outcomes may not reveal. A range of methods that service providers used to monitor these kinds of outcomes, such as focus groups, were identified by the review. However, the review noted that service providers were concerned that commissioners of services did not always prioritise these types of outcomes.

### **Key points**

An effective outcome monitoring approach should identify at the outset which audience(s) the data is intended for. (Callanan et al., 2012a, p. 36)

In designing an outcome measurement approach, consideration should be given to how the audience impacts on what outcomes are monitored, how data are collected, and how they are used. (Callanan et al., 2012a, p. 36)

## **Measuring outcomes – considerations**

### **Tailoring to service aims and objectives**

*“Ensuring that the outcomes measured are appropriate for the service being monitored is critical to effective outcome monitoring. Review participants stressed the importance of being clear about the aims and objectives of the service and of consulting staff and service users to ensure appropriate outcomes were identified. There are significant risks to identifying and measuring inappropriate outcomes which have been well documented by the research literature (Audit Commission, 2000). Setting unrealistic outcome targets beyond the remit of the service could demoralise and undermine staff. Similarly, poorly considered outcomes may skew service delivery and introduce perverse incentives for staff to behave in ways that contradict the original ethos of the service (Bird et al, 2005). For example, an outcome measure monitoring the proportion of service users reporting to the police may risk incentivising staff to encourage service users to report*

*incidents when they are reluctant to do so, potentially conflicting with an organisational ethos that prioritises service user choice and empowerment."*

*(Callanan et al., 2012a, p. 36)*

Bearing in mind these risks, the review concluded that careful consideration should be given to identifying appropriate outcomes for service providers and these outcomes should be kept under review. It was noted that the importance a service places on different outcomes will vary according to the aims and objectives of the service as well as the needs of the individual victim.

Issues such as these are important for commissioners of services to consider. It is important that outcomes are realistic and adequately reflect the needs of victims.

*"For example, for one service provider an outcome to return victims of domestic violence to work within a set time frame was perceived to be inappropriate in view of the complexity of these cases and the need to prioritise the victim's safety above all other considerations".*

*(Callanan et al., 2012a, p. 36)*

Therefore ensuring there is dialogue between commissioners and service providers and maintaining a "collaborative approach to identifying outcomes" (p. 37) was highlighted by the review to be essential to help avoid the possibility of unrealistic targets.

### Key points

Staff and service users should be consulted to ensure that the purpose of outcome measurement is clear and their views are incorporated into the outcome measurement approach adopted. (Callanan et al., 2012a, p. 37)

Dialogue and a collaborative approach between service commissioners and providers is vital to ensure that outcomes built into contracts are appropriate for the service, and risks of introducing perverse incentives or setting up a service to fail are minimised. (Callanan et al., 2012a, p. 37)

Outcome measures should be reviewed on an ongoing basis to monitor any unintended consequences and ensure continued relevance to the outcomes the service is seeking to achieve. (Callanan et al., 2012a, p. 37)

### Incorporating client-led outcome approaches

Service providers that took part in the review identified that it was important to provide a responsive, client-led service. Therefore a 'one size fits all' approach was considered inappropriate when monitoring outcomes and service providers looked for ways to accommodate client-led approaches. An example of this identified by the review was the use of bespoke measures. These measures allowed practitioners to help the service user to identify the outcomes they wanted to work towards at the outset, and then continue to track progress over time. To ensure that self-



identified outcomes are also incorporated into outcome measurement the review suggested that this approach could be used alongside more standardised psychometric measures. Other case studies outlined “a ‘menu’ of outcomes which were tailored to the individual at the outset of engagement with the service” (p. 37). This allowed irrelevant outcomes to be dismissed.

### Key points

Consideration should be given to accommodating client-led approaches when developing outcome indicators. (Callanan et al., 2012a, p. 38)

A combination of standardised and bespoke measures may offer greater scope for services to accommodate client-led outcomes. (Callanan et al., 2012a, p. 38)

### Establishing causality

The review noted that making a distinction between outcomes that are specifically related to a service/intervention and outcomes that are due to external factors is a difficulty faced by all services trying to evaluate their impact (Flint, 2010; Cupitt and Ellis, 2007 as cited in Callanan et al., 2012a).

*“One way in which services can seek to distinguish between the impact of a specific intervention and other, external factors is through the use of an impact evaluation using quasi-experimental or experimental research designs, such as randomised control trials (RCTs). Such designs generally involve one group that receives an intervention and another group, the control group that does*

*not. The assumption is that the control group offers an insight into the intervention group’s outcomes had there been no treatment (Cook and Payne, 2002), and so make it possible to disentangle the effects of the intervention from the effects of other variables that influence outcomes (Farrington, 2003). RCTs, which randomly allocate people into the ‘treatment’ or ‘control’ groups, are one of the strongest designs for attributing outcomes and are commonly used in biomedical evaluations, but relatively few have been conducted within the field of criminal justice. A review of RCTs by Farrington and Welsh (2005) concluded that the ethical and practical challenges involved in RCTs remain a barrier to their use.” (Callanan et al., 2012a, p. 38)*

### Key points

It is not possible to attribute an outcome solely to a particular service or intervention without a high quality quasi-experimental or experimental research design such as an RCT. It is important to acknowledge such uncertainty when evaluating outcomes data collected by less robust methods. (Callanan et al., 2012a, p. 39)

Careful consideration should be given to the ethical implications of experimental research designs, such as RCTs, in the context of support services for victims. (Callanan et al., 2012a, p. 39)

## Capacity and infrastructure considerations

The Evidence and Practice Review of support for victims and outcome measurement also found that training for service providers and commissioners was raised as an issue. Some service providers noted that support organisations did not always have the necessary knowledge or skills required to carry out effective outcome measurement. It was therefore concluded that “training and awareness-raising about appropriate outcome measures for victim services” (p39) would be beneficial for commissioners of services and that adequate training of providers and commissioners was crucial to an outcome-focused approach.

### Key points

Commissioners should recognise the importance of outcome monitoring in their funding structures and tailor their outcome requirements to the funding provided. (Callanan et al., 2012a, p. 40)

Outcome monitoring approaches should be in proportion to the size of the service and the resources it has available. (Callanan et al., 2012a, p. 40)

Training in outcome measurement is an essential prerequisite to successful outcome monitoring for both service commissioners and providers. (Callanan et al., 2012a, p. 40)

## Validity in outcome measurement

The review found that concerns were raised by some service providers as to the validity of the outcome measures they were using and subsequently the risk that using inaccurate measures could lead to an inaccurate representation of their services. These concerns linked to various measurement approaches, from the need for contextual information to interpret psychometric scales to the potential issue of victim-reported outcomes being affected by memory issues/low response rates. The review noted that such issues are acknowledged in the research literature and are not specific to the victim's services sector (Aiken and Paton, 2006, as cited in Callanan et al., 2012a). Therefore, when interpreting outcome measures, caution should be taken (Bird et al, 2005, as cited in Callanan et al., 2012a).

Ways of helping to in part mitigate validity issues, by using a variety of approaches, were noted:

*“Service providers regularly captured feedback from service users in the form of questionnaires, but also conducted focus groups or gathered qualitative data from service users and staff to formulate illustrative case studies. Some outcomes can be captured successfully through hard observable indicators, while others are less tangible and will require more subjective forms of measurement. Therefore, a mixed-method approach to outcome measurement can be useful.” (Callanan et al., 2012a, p. 40)*

*“Service providers felt that some measures of process could add valuable context to an outcome-focused approach by monitoring service quality.” (Callanan et al., 2012a, p. 40)*

## Key points

Due to uncertainty in outcome measurement, care should be taken when interpreting outcomes data and methodological limitations should be acknowledged.

(Callanan et al., 2012a, p. 41)

A tool box approach, including both quantitative and qualitative approaches and incorporating multiple points of view, is likely to result in a more valid picture of outcomes than use of a single measure that does not capture the complexity of cases.

(Callanan et al., 2012a, p. 41)

Process measures that capture service activity can usefully complement an outcome-focused approach.

(Callanan et al., 2012a, p. 41)

## Capturing change over time

In the Evidence and Practice Review of support for victims and outcome measurement service providers commented on the importance of assessing change over time as central to measuring outcomes effectively. However, there were barriers in relation to capturing baseline data and long-term follow up.

### Capturing baseline data

*"Collecting baseline information was viewed as an important element of outcome monitoring that enabled services to measure change in outcome indicators using a 'before and after' measure. However, baseline outcome data were not captured by all case*

*studies routinely, and some practitioners felt it was not always appropriate in the early stages of support to gather this information as meeting the immediate needs of the victim was the priority. Capturing a baseline too early was also felt to risk causing additional stress for the victim because of the potentially sensitive nature of the questions."*

(Callanan et al., 2012a, p. 41)

### Long-term follow up

*"...there may be a considerable lag between an intervention being delivered and its full outcomes becoming apparent. To capture these longer-term outcomes, some form of follow-up would be needed. However, participants identified a number of difficulties in doing this. In particular, concerns were raised that re-contacting service users could risk re-victimisation, although some participants felt that gaining informed consent for follow-up could mitigate this. Safety considerations were another potential barrier, particularly in relation to cases of domestic violence where a victim may be living with the perpetrator. It was felt that considerable caution should be exercised in attempting any form of follow-up in such instances. A practical consideration raised was the additional time and cost involved in re-contacting service users no longer in touch with the service."*

(Callanan et al., 2012a, p. 42)

*"Given the challenges related to long-term follow-up, capturing intermediate soft outcomes or distance travelled took on an additional importance for case study organisations."* (Callanan et al., 2012a, p. 42)

### Key points

Service providers should give careful consideration to when it is appropriate to capture baseline data and what implications this may have for interpreting outcomes. (Callanan et al., 2012a, p. 43)

Long-term follow-up presents practical and ethical challenges that need to be carefully considered. Decisions on whether to gather follow-up data should be made on a case-by-case basis, taking into account safety considerations and resource implications. (Callanan et al., 2012a, p. 43)

Measuring interim outcomes and distance travelled is crucial to ensure that the work of services supporting victims is not underestimated. (Callanan et al., 2012a, p. 43)

## 5.5 Summary

*“Outcome data has a range of benefits. One is enabling services to look at their performance with a critical eye; weaknesses are more obvious when outcomes are measured and the findings interpreted. This can lead to improvements and more strategic planning.”* (Callanan et al., 2012b, p.20)

Outcome based commissioning is about defining and establishing the outcomes which can be achieved in order for victims of crime to return, in some way, to the life they had before the crime took place. The information given, and referred to here is to enable commissioners to look at the different ways service providers measure outcomes and to ensure that

commissioners commission services which give priority to measuring outcomes.

Just as outcome-based approaches to commissioning services are already in place in other sectors (i.e. in health, education and social care), victims' services will be required to ensure that their services meet the outcomes of cope and recover (and any other additional outcomes as directed by the relevant commissioner). Commissioners will have the discretion about the way in which services are commissioned, what level of services are required within their area and who will provide the service.

### Key considerations when thinking about outcomes-based commissioning

Commissioning should be outcomes focused rather than simply an exercise in commissioning services.

The service user is at the centre of how commissioners design and commission services.

Commissioning is not procurement. It is much wider than that as it refers to assessing community based need and putting in places services to meet those needs not just simply buying good and services.

Outcomes support the evidencing of the services to commissioners. (Callanan et al., 2012a)

Outcomes help services become accountable to the communities they support. (Callanan et al., 2012a)

## Challenges to outcome measurement

Limited resources and infrastructure, particularly for smaller service providers. (Callanan et al., 2012b, p. 1)

Over-interpretation of outcomes data poses the risk of inappropriate conclusions being drawn, which in turn may lead to unintended and negative consequences, with services being cut or extended based on a potentially incomplete picture of impact. (Callanan et al., 2012a, p. 53)

It is important that the timing of data collection is handled sensitively to minimise burden or distress to the victim. (Callanan et al., 2012b)

Victims' safety should be prioritised at all times, including anonymity in reporting outcomes data. (Callanan et al., 2012b)

# 6. Monitoring, evaluation and quality assurance



## 6.1 Definitions of monitoring and evaluation

Monitoring and evaluation are the reporting mechanisms by which funded organisations must demonstrate the achievement of their aims and the terms of their grant/contract. It is an opportunity for commissioners to ensure that accountability, grant/contract compliance and value for money are maintained.

### **Monitoring**

This can be described as the collection of evidence and data to ensure that payment terms are being fulfilled for a grant/contract that is being funded by a public body. The National Audit Office states that monitoring

for both service providers and funders is an element of good management practice and done well, it gives all involved, a chance to receive information about what is being achieved with the fund.

([www.nao.org.uk/successful-commissioning](http://www.nao.org.uk/successful-commissioning))

### **Evaluation**

Evaluation is the formal process of judging the value of something. The purpose of an evaluation is to assess the effects and effectiveness of an innovation, intervention, policy practice or service.

### **For funders, good monitoring and reporting:**

- help to ensure value for money
- show how the recipient spends the money
- demonstrate the impact of funding

### **For funded organisations, good monitoring and reporting help them to:**

- showcase the work they are doing
- learn and develop

## 6.2 Monitoring

Considerations around monitoring should start before the commissioning process commences. Decisions will need to be taken on what should

be monitored and consideration should be given to why it is needed. Commissioners should be able to relate the information that is required to the objectives of the fund; in the case of victims for example it will be to ensure that services can help victims of crime to cope and recover. It is important to think too who will use the monitoring information and what for. Commissioners should consider whether there are any alternative ways of getting the information that do not involve getting it from the provider, with the burden that involves.

During the operation of the financial agreement, commissioners may wish to performance monitor the terms of the grant/contract. This will mean monitoring the services providers' performance against outcomes and value for money.

The National Audit Office ([www.nao.org.uk/successful-commissioning](http://www.nao.org.uk/successful-commissioning)) has established a number of principles for funders/commissioners to take into account when thinking about designing a monitoring process. This ensures that red tape is reduced and it enables service providers in the third sector to devote more of their time and resources to the groups they serve.

1. **Understand costs:** Monitoring and reporting has a cost both for the funder and the recipient. Consider this when designing the reporting requirements.
2. **Start early:** Discuss monitoring and reporting requirements with potential funding recipients at an early stage.
3. **Specify requirements:** Specify and indicate the scale of reporting requirements at the application or tender stage.

4. **Justify needs:** To ensure that monitoring and reporting are proportionate to the level of funding and risk:

- be able to justify why each piece of information is needed
- be clear how the funding fits with any strategic objectives
- be clear how the information will be used.

5. **Communicate clearly:** Provide clear forms, using simple language. Where appropriate offer other ways to report back, such as face-to-face meetings.

6. **Give feedback:** Feedback on their reports helps organisations in the third sector to understand how their information will be used. It also helps them learn and develop as an organisation.

7. **Use existing reports:** Where possible, use existing reports, such as trustees' annual reports and the organisation's annual accounts. Encourage the recipient to use standard reports where appropriate, particularly if it is joint funded.

There are also a set of validating questions, established by the National Audit Office, which will test and validate the approach to monitoring.

### **1. Can the information be provided less frequently?**

Funders often require providers to supply monitoring information in time with payments. For example, if a funder agrees to pay a provider once a quarter, it will require the provider to submit the agreed monitoring information with the quarterly claims for payment. Every time an item of information is collected and supplied to a funder, there is an associated cost. Funders and providers should, therefore, agree to the supply of each item of information only as frequently as it is needed. This could mean that, for example, some information is supplied quarterly while other information is collected and supplied annually.

### **2. Can the information be provided in time with the provider's own reporting systems?**

A funder may ask for certain information on a certain timescale. The provider may explain that it already produces this information but on a different timescale. It would cost more to produce the information to the funder's preferred timescale. In this case, the funder should weigh up the costs and benefits of collecting the information on the two timescales. All things being equal, the funder should accept the information on the timescale that the provider already produces it.

### **3. Can the information be reported only by exception?**

Often, a funder requires the provider to supply every agreed item of information in each monitoring report. Collecting and supplying all this information has a cost. Another approach is for the funder and provider to agree that the provider will supply the information only if there has been a change (of a pre-agreed size or type) since the last report (or from a baseline – a base for measurement). This can be particularly useful in monitoring issues such as risk. As long as there has been no change in the status of the risk, there is no need to supply other information on it.

### **4. Is there an alternative, more cost-effective piece of information that could be used instead?**

When planning monitoring information, funders should be aware that providers usually collect information to support their own management and governance. They may also be collecting other information for other funders. Adding extra monitoring requirements adds cost. It is therefore a good idea to use, where possible, information that the provider already collects.

### **5. Can information that the provider already collects for another funder be used instead?**

Funders should be aware that providers often have financial agreements with more than one funder. A provider of your programme may, thus, already collect and supply information to another funder. When planning monitoring, it is a good idea to use,



where possible, information that the provider already collects for another funder. Adding extra monitoring requirements adds cost.

## 6. Can this information be collected on a sample basis?

If a funder has financial arrangements with a number of different providers, it may be possible to collect certain information from some, not all, providers. This use of a 'sample' will relieve the burden, and therefore cost, for those providers that are not part of the sample. Sampling may also reduce the cost of monitoring to the funder.

## 7. Can this information be collected other than from the service provider – such as a survey?

There may be some information that the funder/commissioner needs about the programme that could be collected through a different process other than monitoring. It could be collected, for example, through a survey of service users – separately funded – instead.

## 8. How can you assure the reliability of the monitoring information?

You may be supplied with false monitoring information. There are ways you can safeguard against this. In particular, make clear to the provider from the start that its data and records will be open to scrutiny by you and your team, as well as by auditors and inspectors. Be clear about what information you require and the quality and robustness of it. A good working relationship with the provider will help and may include face-to-face meetings and personal visits.

More information on the principles and validating questions can be found at the National Audit Office website - [www.nao.org.uk/successful-commissioning](http://www.nao.org.uk/successful-commissioning)

### CASE STUDY

As part of the Ministry of Justice's terms and conditions, all organisations in receipt of grant funding for the provision of victims' services through the Victim & Witness General Fund and Rape Support Fund are required to submit half yearly monitoring reports to enable these organisations to be measured against the agreed activities for which they are in receipt of funding. In addition, in order to comply with the Public Sector Equality Duty, the Ministry of Justice also requires funded organisations to collect protected characteristics data specific to the services being delivered from either funding stream about gender, age, ethnicity, religion or belief, disability, sexual orientation and gender identity and marital status.

The data monitoring process which has been developed for both funding streams strikes a balance between collecting data that is both outcomes' focused whilst not being over burdensome to collect.

See Annex A for an example of the Ministry of Justice template which funded organisations are expected to complete. Although there is a focus on outputs, the template will give commissioners a sense of the information that has been collected and which may, depending on priorities, be collected in future in a modified format.

### 6.3 Evaluation

There are a number of approaches to evaluation which are detailed below.

**Summative** evaluation, also known as impact evaluation, asks questions about the impact of a specified programme on a specific group of people. This is more straightforward if the outcomes of the programme have been clearly set out. Summative evaluation asks how the impact compares to the original objectives, or to some other programme, or to doing nothing at all.

**Formative** evaluation focuses on the development and delivery of a programme or service and is intended to help in the development of whatever is the focus of the evaluation. It needs to be carried out and reported on in time for modifications to be made as a result of the evaluation. It also helps to ensure interventions are developed in accordance with service providers/stakeholders and community needs.

**Process** evaluation focuses on what services were provided to whom and how. Its purpose is to describe how the programme/service was implemented, who was involved and what problems were experienced. A process evaluation is useful for monitoring implementation, for identifying changes to make things operate as planned and generally for overall improvement.

### 6.4 Quality Assurance

Quality assurance is a systematic way of ensuring an organisation undertakes a continuous process of learning, developing and reviewing. This often involves working towards an agreed level of performance, or

quality standard (National Council for Voluntary Organisations). The extent to which service providers will achieve or improve outcomes for victims will be affected by the quality of the service provided.

Commissioners of services are increasingly seeking evidence of service quality in funding applications (Charities Evaluation Services) so it is important for service providers to recognise that they should manage the process of capturing quality assurance information in a systematic and consistent way.

Commissioners will need to set clear specifications for monitoring and quality assuring in any grant or contract that is produced, as stated above. This may well include references to ensuring that services are quality assured at specific intervals by the service provider to show how the service is delivering the appropriate outcomes.

### 6.5 Further sources of information

Further information on monitoring and quality assurance can be found in the Evidence and Practice Review of support for victims and outcome measurement (Callanan et al., 2012a) and associated resource (Callanan et.al.,2012b) - <https://www.gov.uk/government/publications/evidence-and-practice-review-of-support-for-victims-and-outcome-measurement>

# 7. Grants and Contracts

## 7.1 Grant or Contract?

Services for victims of crime can in principle be funded by giving grants to, or entering into contracts with, service providers, subject to the powers of the relevant commissioner. Third sector organisations have taken on an increasing amount of public service delivery over the last decade and income from grants and contracts now forms a significant proportion of the third sector's income.

Commissioners will need to decide which method of commissioning services is the most suitable for their purposes and likely to provide the best value for money. There may be scope and good reasons to use either grants or contract; however there are no hard and fast rules for this.

The process for determining arrangements for the provision of services will usually be subject to EU Treaty and procurement obligations, though this may not apply in the case of the simplest grants. However this is a complicated and specialist area on which advice should always be taken (see below) especially where consideration is being given to awarding a grant through a process which does not comply with those obligations. Where EU obligations apply the effect is that where smaller sums are involved there would be a need to be a fair, transparent and non-discriminatory process, whilst for larger amounts (currently services at or above the value of £113,057) the obligations set out in the Public Contract Regulations 2006 would apply.

## 7.2 Differences between grants and contracts

### *Grants*

In essence a grant is the funding of an organisation for one or more purposes subject to the most basic conditions. The 'simplest' grants will provide funds to be used at the discretion of the recipient organisation for its designated objectives. Grants are a useful way for a public body to fund an activity of a third sector organisation that is in line with one or more of the public body's objectives. The grant agreement with the successful organisation will normally set out the purposes for which the grant is to be used, for example to assist victims of crime to cope and recover. Most grants will define requirements for accounting how the funding has been used and the repayment of any surplus funding. Such arrangements are VAT exempt and may not be subject to EU Treaty and procurement obligations. However it would be good practice to ensure that any grant process is as open and transparent as possible.

### *Contracts*

A contract is an agreement to provide specified goods or services, either to the commissioning organisation or another party specified by that organisation, in return for specified payments. In law a contract requires an offer and a corresponding acceptance; a consideration (meaning an exchange of payment or something else of value) and an intention to create legal relations. Contracts are subject to VAT and are

likely always to be subject to EU Treaty and rules on procurement.

### **7.3 Choosing one or the other**

The distinction between grants and contracts can be very fine. Arrangements that stipulate in detail the services to be provided are more likely to be considered contracts and not grants. The final arbiter is the court which will consider the substance of the arrangement and not, for instance, its description as 'contract' or 'grant'.

Ultimately the rules on grants and contracts are complicated and nuanced and it would always be sensible to seek legal, financial and procurement advice on which one is more suitable to achieve the intended outcomes and which is likely to provide the better value for money. The National Audit Office's Successful Commissioning Toolkit provides information on the appropriateness of using grants or contracts - <http://www.nao.org.uk/successful-commissioning/successful-commissioning-home/sourcing-providers/>

# 8. EU Directive establishing minimum standards on the rights, support and protection of victims of crime

The UK has opted into the EU Directive on the rights, support and protection of victims of crime which was formally adopted on 4 October 2012. Member States have until 16 November 2015 to implement the Directive.

The Directive creates minimum standards on the rights of victims and include provisions requiring Member States to ensure that victims have access to victim support services. Nothing in the Directive prevents services being provided for victims which are better than the minimum required.

The practical responsibility for ensuring that victims have access to services in accordance with the Directive will be shared between central government, which will commission some specialist support services and PCCs who will be responsible for ensuring that the services they commission are sufficient, together with other available services, to satisfy the requirements of the Directive in relation to victims living in their area.

Although the obligations contained in the Directive do not have to be complied with until November 2015, PCCs which intend to enter into arrangements for the provision of services which will last for more than a year will need to take

the obligations in the Directive into account now, so that they can ensure that the arrangements which will be in place in November 2015 will meet the requirements of the Directive.

## **8.1 The obligations in the Directive**

The requirement to provide services for victims is set out in articles 8 and 9 of the Directive (the text of articles 8 and 9 can be found in Annex B). These are discussed below. In addition there are a number of relevant recitals (explanatory paragraphs at the beginning of the Directive) which are relevant to these articles. Recitals set out concise reasons for the main provisions of the Directive and can be an aid to interpreting them, though they are not themselves binding.

### ***General support services***

Article 8 provides that victims (and, depending on the degree of harm suffered as a result of the crime against the victim, their families) should have access to support services before, during and for an appropriate time after criminal proceedings. The services must be free and confidential and there should be a mechanism for referring victims to those services. Victim support services should be available irrespective of whether the crime has been reported to the

police or another agency.

Article 9 describes what support services must, as a minimum, be provided and these are set out in a list. The list includes:

- information, advice and support relevant to the rights of victims including how to access national compensation schemes and the victim's role in relation to the trial;
- emotional and, where available, psychological support;
- advice on financial and practical matters including, unless available elsewhere, advice relating to the risk and prevention of re-victimisation, intimidation and retaliation.

Article 9 also provides that victim support services should pay particular attention to the needs of victims who have suffered considerable harm from a serious offence.

### ***Specialist support services***

Article 8 also says that Member States should take measures to establish specialist support services in addition to, or as part of, the more general victim support services which are offered. Services should be available to victims in accordance with their specific needs and to family members in accordance with their specific needs and the degree of harm suffered as a result of the offence committed against the victim. As with general support services, access to specialist support should not depend on whether the crime has been reported.

Article 9 sets out what specialist support services should consist of as a minimum. These include:

- shelters or other interim accommodation for victims at risk of repeat victimisation, intimidation or retaliation;
- targeted support, including trauma support and counselling, for victims with specific needs such as victims of sexual or gender-based violence and victims of violence in close relationships (what might constitute a close relationship is discussed in recital 18 of the Directive).

Recital 38 explains more about who should be provided with specialist support services and the types of support that should be offered. In particular the recital emphasises that specialist support should take into account the specific needs of the victim, the severity of the harm suffered as a result of the offence as well as the relationship between victims, offenders, children and their wider social environment. The type of support that should be offered could include providing shelter and accommodation, immediate medical support, referral for forensic examination (in cases of sexual assault), short and long term counselling, trauma care, legal advice/advocacy and specific services for children either as direct or indirect victims.

It should be remembered that the minimum specialist services can be provided through existing provision (for example on the NHS, by local authorities or in other ways) so long as they are available in accordance with the terms of the Directive. This is emphasised in recital 39 which refers to the use of existing professional support to deliver services for victims.

## ***General Considerations***

In many cases it will be obvious who is a victim of crime. In some circumstances this may be more complicated, particularly where the issue relates to an indirect victim of crime or family members. Recital 19 explains the Directive's understanding of the term victim and, importantly, provides that Member States can establish procedures to limit the number of family members who can benefit from the rights set out in the Directive.

It is important to be aware that the rights guaranteed by the Directive need to be provided in a non-discriminatory way, whilst taking into account the relevant characteristics of the individual (see recital 9). In particular it needs to be remembered that children who are victims of crime are entitled to the rights set out in the Directive (recital 14) and that victims with disabilities should be able to exercise their rights on an equal basis (recital 15). In order to ensure this, recital 61 refers to the need to ensure that those who come into contact with victims, including those who provide victim support, receive appropriate training.

Recital 37 reiterates that support should be available from the moment the authorities become aware of the victims, throughout the criminal proceedings and for an appropriate time afterwards. It should be provided by a variety of means, without excessive formality and through a sufficient geographical distribution to allow all victims the opportunity to access services.

## **8.2 Expectations on commissioners of victims' services**

Where services are being commissioned for the period after November 2015, commissioners of victims' services, particularly PCCs, should be aware of the obligations of the Directive and give consideration to how to meet them when commissioning services for victims of crime.

In particular PCCs will want to bear in mind Article 9 which covers the minimum that support services for victims should provide and commission in accordance with this, whilst also being mindful of local priorities and needs.

All commissioners of victims' services should be able to show that they have understood the obligations in the Directive, have considered which other services are available to local areas which would help to meet these obligations and then consider which services for victims they should commission in order to comply with the terms of the Directive. The grant given to PCCs from the Ministry of Justice will include conditions on commissioning services in accordance with the Directive. It is important that the Directive is understood and applied when commissioning of victims' services is carried out, particularly when commissioning services in the 2015/16 financial year as the Directive comes into force later that year.

# 9. Equality Information

Those new to commissioning should be aware of their legal obligations under the public sector Equality Duty, as set out in section 149 of the Equality Act 2010. The Equality Duty is a duty on public bodies and others carrying out public functions to consider equalities. It can lead to better business outcomes since services can be more effective for users and more cost effective.

## 9.1 The Public Sector Equality Duty

The broad purpose of this duty is to integrate the consideration of equalities into the decision making process for public bodies in shaping policy, delivering services and managing workforces. It requires public bodies to have 'due regard' to three aims:

- (a)** eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b)** advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c)** foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It covers eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Having due regard entails thinking consciously about the three aims of the public sector

Equality Duty as part of the decision making process. This could mean considering equalities when designing, delivering and evaluating services or commissioning and procuring services from others.

Section 149 further explains that due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves considering the need to:

- (a)** remove or minimise disadvantages suffered by those who share that characteristic that are connected to a protected characteristic;
- (b)** take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it – this could, for example, involve taking steps to take account of some people's disabilities;
- (c)** encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Fostering good relations involves considering the need to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.

Section 153 of the Equality Act provides powers for Ministers to impose specific duties on certain public bodies to enable them to meet their requirements under the Duty more effectively.



In England, the Equality Act 2010 (Specific Duties) Regulations 2011 require public bodies to publish information to demonstrate their compliance with the Equality Duty at least annually, and to set and publish equality objectives at least every four years.

## **9.2 Compliance with the public sector Equality Duty**

Commissioners should build a good understanding of the diverse needs of the communities that services are being commissioned for in order to comply with the duty and design effective services. The focus should be on the quality of thinking about the potential consequences of proposed policies and service provision from an early stage.

In order to comply with the duty, commissioners should ensure that:

- they, and others who are exercising public functions, are fully aware of the requirements under the Equality Duty when making decisions about policies and practices;
- the duty is complied with before and at the time that policies are considered and undertaken; commissioners cannot satisfy the duty by justifying a decision after it has been taken;
- they show that there has been consideration of the three aims of the duty and how this has influenced decision making;
- third parties exercising public functions on the commissioners behalf comply with the duty. This is because the Equality Duty rests with the commissioner even where those functions have been delegated to a third party;

- the need to advance equality continues through implementation and review.

It is up to each public body to decide for itself what information it publishes to show compliance with the public sector Equality Duty. This will vary depending on the particular functions being exercised and the extent to which it could affect people with protected characteristics. The analysis of equality issues can be evidenced by a simple audit trail of the information the body considered and the conclusions reached.

## **9.3 Monitoring and Enforcement**

The Equality and Human Rights Commission has primary responsibility for monitoring compliance with the Equality Duty. The Commission uses a range of strategies to promote compliance including working with and advising organisations to achieve the best equality outcomes.

The Commission also has a number of statutory powers to enforce both the Equality Duty and the specific duties. These include undertaking an assessment under section 31 of the Act, to assess to what extent a body has complied with the Equality Duty. Where an organisation has failed to comply with its duties it can also issue a compliance notice, requiring the organisation to provide information about how they will comply with the Equality Duty or specific duties, and what further actions they will take.

The Commission (or an individual or body with sufficient interest) may also make an application for judicial review in circumstances where it believes that a public authority has failed to comply with the Equality Duty.

## 9.4 Single-sex services

The Act allows services to be provided separately for men and women, or to be provided to one gender only (Schedule 3, part 7). Where certain conditions are met, a relevant body is not required to discontinue single-sex services or the separate provision of services to people of different genders. A relevant body could decide that it would be appropriate to use these provisions to meet different needs of, or minimise disadvantage experienced by one gender or another.

### Violence Against Women and Girls

The Government has maintained its commitment to provide strong national leadership to end violence against women and girls. Rape and sexual violence disproportionately affects women. In line with the wider government strategy to end violence against women and girls, it is therefore appropriate that there is a focus on improving sustainability within the sexual violence Voluntary, Community and Social Enterprise (VCSE) sector and increasing resources available to its members. It is also appropriate that each organisation funded is able to deliver a distinct, women-only solution within its normal operations. These factors will have a positive impact on women as a group and improve understanding and awareness of additional services for violence against women and girls victims.

Further information about duties under the Equality Act 2010 can be found at:

Equality and Human Rights Commission - Technical Guidance on the Public Sector Equality Duty

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

Government Equalities Office

[www.gov.uk/equality-act-2010-guidance#public-sector-equality-duty](http://www.gov.uk/equality-act-2010-guidance#public-sector-equality-duty)

Further information on the Violence Against Women and Girls strategy can be found at:

<http://www.homeoffice.gov.uk/crime/violence-against-women-girls/strategic-vision/>

# 10. Information Rights

All organisations, including public authorities, are, under the Data Protection Act 1998, legally obliged to protect any personal information they hold. In addition, all public authorities are required to make information available on request (subject to limited exemptions) under the Freedom of Information Act 2000. This part of the commissioning framework provides information and general guidance to help commissioners protect and share information safely and appropriately. This is a complex area of law and commissioners are advised to seek advice from their lawyers in relation to any specific issues which arise.

## 10.1 Data Protection Act

If you hold data which is capable of identifying a living individual, it is essential that it is processed in accordance with the Data Protection Act 1998. This includes a requirement that personal data is kept secure. The definition of personal data can be found in Annex C. Schedule 1 to the Data Protection Act lists eight principles which must be followed when processing personal data.

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
  - (a) at least one of the conditions in Schedule 2 to the DPA is met, and
  - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 to the DPA is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The data subject rights under the 5th principle of the Data Protection Act include an individual's right of access to their own personal information,

subject to limited exemptions, and the payment of any fee which might be charged together with the data controller being satisfied as to the applicant's identity.

Before deciding what information security measures need to be taken, commissioners will need to assess the information risk: there should be a review of the personal data which is held and the way it will be used to assess how valuable, sensitive or confidential it is, and what damage or distress could be caused to individuals/organisations if there were a security breach.

## **10.2 Freedom of Information Act**

The Freedom of Information Act 2000 provides public access to recorded information held by public authorities. The public are entitled upon request to be told within 20 working days what information is held and to receive that information from public authorities. However there are exemptions when information does not have to be disclosed.

Exemptions, which are often subject to a prejudice and/or public interest test, exist to protect information that should not be disclosed. In the event that a service provider who has not been successful in securing funding makes a Freedom of Information request, commissioners will have to take the decision whether to release any information regarding services that have been successful in the commissioning process. Feedback can be provided to organisations who question their unsuccessful application and this would not be considered a Freedom of Information Act request. Disclosure under the Freedom of Information Act should be seen as disclosure to the world at large: but you may wish to provide tender applicants more

information about why they were unsuccessful (or successful) than you would any other person asking for the same information. However if a service provider were to ask about applications from other organisations, commissioners should consider whether it would be appropriate to release this information under the Freedom of Information Act.

The regulations made under section 11(1) & (2) of the Police Reform and Social Responsibility Act 2011, when amended, will require PCCs to publish information about grants it makes and contracts entered into including details of the grant/contract and its purpose. In the case of higher value contracts the contract itself must be published. However any additional information that is requested will need to be considered for disclosure under the Freedom of Information Act, if for example, a service provider requests information about how their bid compared on a financial basis with other bids.

The Freedom of Information Act recognises that there are circumstances in which it would be inappropriate to release information in response to a request and the Act therefore provides exemptions to disclosure subject, in some cases, to the application of a prejudice and/or public interest test.

If a member of the public believes that the authority has failed to respond correctly to a request for information it is open to that individual to make a complaint to the Information Commissioner's Office. The complaints process will give the authority the opportunity to reconsider the actions that were taken in the course of request and to correct any mistakes that may have occurred. If the complaint is not resolved informally in this way, the Information Commissioner's Office

can issue a decision notice. If the Information Commissioner's Office finds that the Freedom of Information Act has been breached, the decision notice will stipulate what action needs to take place in order to rectify the situation.

The Information Commissioner's Office also has the power to enforce compliance if the authority has failed to adopt a publication scheme or not published information as authorities are compelled to do.

A Code of Practice on the Freedom of Information Act 2000 provides information and guidance to public authorities to enable them to discharge their duties under the Act.

The Code of Practice suggests that public authorities may wish to "consult, directly and individually, with such persons in order to determine whether or not an exemption applies to the information requested." Public authorities, as a matter of good practice, should also give prior warning to organisations that they are intending to release relevant information about them. The final decision on whether to release lies with the public authority on the basis of any consultations it may have had with interested third parties.

Further information on both Data Protection and Freedom of Information can be found at the following websites:

[http://www.ico.org.uk/for\\_organisations/guidance\\_index/freedom\\_of\\_information\\_and\\_environmental\\_information#exemptions](http://www.ico.org.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information#exemptions)

<http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/exemptions-guidance>

The Code of Practice can be found here:  
<http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section45-code-of-practice.pdf>

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Charities Evaluation Services - [www.ces-vol.org.uk/](http://www.ces-vol.org.uk/)

Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000 - <http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section45-code-of-practice.pdf>

The Compact - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/61169/The\\_20Compact.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61169/The_20Compact.pdf)

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Ministry of Justice - <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/exemptions-guidance>

National Audit Office website Successful Commissioning Toolkit - [www.nao.org.uk/successful-commissioning](http://www.nao.org.uk/successful-commissioning)

National Council for Voluntary Organisations – [www.ncvo-vol.org.uk](http://www.ncvo-vol.org.uk)

Violence Against Women and Girls - <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/strategic-vision/>

# Annex A: Victim and Witness General Fund End of Year Progress Report 2012-13



***Please fill in the following information:***

### Organisation Details

Name of Organisation:	V&W Reference Number:
Address:	Contacts(s):

### Overall Success Criteria

Please insert the overall success criteria provided in your original application (or subsequently received MoJ approval to amend):	
Forecast:	Actual:

### Success Criteria 2012/13

Please insert your success criteria for 2012/13 provided in your original application (or subsequently received MoJ approval to amend):	

## Introduction

**In all the tables, where numbers are requested, please ensure you enter numbers only.** Please do not use percentages and/or add categories to the tables. If there are categories that you think should have been included, please explain in the 'free text' box at the end of the form.

## Number of Service Users

**What was the total number of individuals who have been in contact with you over the funding period, and what was their gender?** Please include all individuals, i.e. anyone who has been in contact with you via a helpline, or face to face, or in groupwork, or has received a service of any kind from you via email or any type of social media (i.e. text service). Please count individuals only, not the number of times they have been in contact with you, and irrespective of whether they received any kind of ongoing service. The total number of individuals should include all those service users who are in contact with you via a helpline. As far as you are able (that is where this is known), please count repeat callers to the helpline as one individual. A separate table asks for the total number of calls to the helpline.

April – September 2012		October – March 2013	
All Total Existing Service Users as at 1 April 2012	All Total New Service Users as at 30 September 2012	All Total Existing Service Users as at 1 October 2012	All Total New Service Users as at 31 March 2013
Total Existing Female Service Users as at 1 April 2012	Total New Female Service Users as at 30 September 2012	Total Existing Female Service Users as at 1 October 2012	Total New Female Service Users as at 31 March 2013
Total Existing Male Service Users as at 1 April 2012	Total New Male Service Users as at 30 September 2012	Total Existing Male Service Users as at 1 October 2012	Total New Male Service Users as at 31 March 2013

Individuals identifying as either trans\* or androgynous\*\* should be included under **'ALL'** in addition to the total number of male and female service users.

\* The umbrella term "Trans" describes people whose appearance, personal characteristics or behaviours differ from socially accepted stereotypes about how men and women are 'supposed' to be. "Trans" includes, amongst many others, transsexual people, gender queers, cross dressers, and bi-gendered people, as well as people with a transsexual history who simply identify as the men and women they know themselves to be.

\*\* The term "Androgynous" describes people identifying as either both male and female genders, or with no gender.

### Source of referral from other CJ and Non-CJ Agencies

How many individuals were referred to you from other CJ & non-CJ agencies since the start of the funding period? Did you receive any additional funding to provide support?

	April – September 2012		October – March 2013	
	New Individual Service Users	Additional funding provided	New Individual Service Users	Additional funding provided
Self referral				
Family Member/Friend/Third Party				
Police				
Witness Care Unit				
Victim Support/Witness Service				
Local Authority				
Local GP				
IAPT Service				
Mental Health Trust				
SARCs (including Crisis Workers)				
Domestic Violence Voluntary Sector Services				
Social Care				
Education Services				
Housing Services				
Other				

## Services Delivered – Service Users

### How many individuals were provided with a service?

Please count the number of individuals who received these services not the number of support sessions provided.

	April – September 2012	October – March 2013
	Total no. of Individuals who received the service	Total no. of individuals who received the service
<b>Advocacy</b> (e.g. IDVA service)		
<b>Ongoing Support</b> (Counselling/ Face to Face Emotional Support/ Therapeutic/phone support)		
<b>Group sessions</b>		

## Interventions Delivered – Interventions

<b>Helpline</b> (total number who rang the helpline)		
<b>Email Support</b> (total number who were supported via email)		
<b>Text support</b> (total number who were supported via text)		

## Services Delivered – Ongoing Support Sessions

### How many, and what type of services(s), were delivered?

Please count the number of ongoing support sessions provided not the number of individuals. If a new individual service user received 6 sessions, then please count that as 6 sessions. If you can only provide an estimate here please give the estimate below followed by the letter E (i.e. 250E). If you do not provide a service please state N/A.

	April – September 2012	October – March 2013
	Total no. of sessions delivered	Total no. of sessions delivered
<b>Advocacy</b> (e.g. IDVA service)		
<b>Ongoing Support</b> (Counselling/ Face to Face Emotional Support/ Therapeutic/phone support)		
<b>Group sessions</b>		
<b>Helpline</b> (total number who rang the helpline)		
<b>Email Support</b> (total number who were supported via email)		
<b>Text support</b> (total number who were supported via text)		

## Interventions Delivered – Service Users

**How many and what type of intervention(s) were delivered?**

Please count the number of individuals not the number of interventions provided. If you have undertaken several information providing sessions with a service user, this counts as one individual who has received an information providing service.

	April – September 2012	October – March 2013
	Total no. of individuals	Total no. of individuals
<b>Information provision</b>		
<b>Referral to another agency</b>		
<b>Signposting</b>		
<b>Other intervention</b> (please tell us what this was)		

**How many and what type of intervention(s) were delivered?**

Please count the number of interventions not the number of individuals who were subject to an intervention. If you can only provide an estimate here please give the estimate below followed by the letter E (i.e. 250E). If you do not provide an intervention please state N/A.

	April – September 2012	October – March 2013
	Total no. of interventions	Total no. of interventions
<b>Information provision</b>		
<b>Referral to another agency</b>		
<b>Signposting</b>		
<b>Other intervention</b> (please tell us what this was)		

## Outcomes (max 600 words)\*

**Outcomes** - Please provide evidence of the impact of services on the individual, for example how support has improved aspects of their physical and mental well-being.

## Progress Report (max 300 words per section)\*

**General progress** - for example any new services you are delivering, success stories you want to share, important lessons learnt etc.

**Are you on track** - against your original success criteria? For example, any significant changes, such as delays resulting from barriers to service delivery? And why?

**Are there any risks you would like to highlight?** These may be specific to your organisation or be applicable to the wider voluntary sector.

**How are you developing and maintaining relationships with CJS and non-CJS agencies/organisations (inc your local Police & Crime Commissioner)?**

**How are you working towards your future sustainability?** Please detail activities relating to seeking funding from other sources.

**Have you identified any diversity and/or equalities issues in relation to the services you are providing?**

\*Please note that information you provide in this report may be shared and/or may be used to help develop future policy.

# Annex B:

## EU Directive on the Minimum Standards, Rights, Support & Protection of Victims of Crime – Articles 8 & 9

### **Article 8**

#### **Right to access victim support services**

1. Member States shall ensure that victims, in accordance with their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members shall have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.
2. Member States shall facilitate the referral of victims, by the competent authority that received the complaint and by other relevant entities, to victim support services.
3. Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services

and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim.

4. Victim support services and any specialist support services may be set up as public or nongovernmental organisations and may be organised on a professional or voluntary basis.
5. Member States shall ensure that access to any victim support services is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

### **Article 9**

#### **Support from victim support services**

1. Victim support services, as referred to in Article 8(1), shall, as a minimum, provide:
  - (a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in



criminal proceedings including preparation for attendance at the trial;

**(b)** information about or direct referral to any relevant specialist support services in place;

**(c)** emotional and, where available, psychological support;

**(d)** advice relating to financial and practical issues arising from the crime;

**(e)** unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation.

2. Member States shall encourage victim support services to pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.

3. Unless otherwise provided by other public or private services, specialist support services referred to in Article 8(3), shall, as a minimum, develop and provide:

**(a)** shelters or any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation;

**(b)** targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling.

# Annex C: Excerpt from Data Protection Act 1998 – Section 1

## Basic interpretative provisions

1. In this Act, unless the context otherwise requires— “data” means information which—

**(a)** is being processed by means of equipment operating automatically in response to instructions given for that purpose,

**(b)** is recorded with the intention that it should be processed by means of such equipment,

**(c)** is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system,

**(d)** does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68; [or

**(e)** is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d);]

“data controller” means, subject to subsection (4), a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed;

“data processor”, in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller;

“data subject” means an individual who is the subject of personal data;

“personal data” means data which relate to a living individual who can be identified—

**(a)** from those data, or

**(b)** from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;

“processing”, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including—

**(a)** organisation, adaptation or alteration of the information or data,

**(b)** retrieval, consultation or use of the information or data,

**(c)** disclosure of the information or data by transmission, dissemination or otherwise making available, or

**(d)** alignment, combination, blocking, erasure or destruction of the information or data;

["public authority" means a public authority as defined by the Freedom of Information Act 2000 or a Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002;]

"relevant filing system" means any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.

2. In this Act, unless the context otherwise requires—

**(a)** "obtaining" or "recording", in relation to personal data, includes obtaining or recording the information to be contained in the data, and

**(b)** "using" or "disclosing", in relation to personal data, includes using or disclosing the information contained in the data.

3. In determining for the purposes of this Act whether any information is recorded with the intention—

**(a)** that it should be processed by means of equipment operating automatically in

response to instructions given for that purpose, or

**(b)** that it should form part of a relevant filing system,

it is immaterial that it is intended to be so processed or to form part of such a system only after being transferred to a country or territory outside the European Economic Area.

4. Where personal data are processed only for purposes for which they are required by or under any enactment to be processed, the person on whom the obligation to process the data is imposed by or under that enactment is for the purposes of this Act the data controller.

5. In paragraph (e) of the definition of "data" in subsection (1), the reference to information "held" by a public authority shall be construed in accordance with section 3(2) of the Freedom of Information Act 2000 [or section 3(2), (4) and (5) of the Freedom of Information (Scotland) Act 2002].

6. Where

**[(a)]** section 7 of the Freedom of Information Act 2000 prevents Parts I to V of that Act [or

**(b)** section 7(1) of the Freedom of Information (Scotland) Act 2002 prevents that Act,]

from applying to certain information held by a public authority, that information is not to be treated for the purposes of paragraph (e) of the definition of "data" in subsection (1) as held by a public authority.]

