



National Offender
Management Service

NOMS Commissioning Intentions

From 2014

Document Version Control

It is the responsibility of readers of this document to ensure that the most up to date version of the document is being used. This is available at:

www.justice.gov.uk/about/noms/commissioning

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This document should be read alongside its companion the *NOMS Evidence and Segmentation* document, available at: **www.justice.gov.uk/about/noms/commissioning**

The *NOMS Evidence and Segmentation* document provides evidence to help providers and commissioners decide on the best value and most effective choice and targeting of services, which can support the effective and cost efficient delivery of the commissioning intentions.

Foreword



This document covers the offender services that the National Offender Management Service (NOMS) commissions in order to deliver our responsibilities as an Agency and in line with government policy. It provides the basis for negotiations with providers of offender services as well as aligning our priorities with key co-commissioning partners in other government departments, their agencies and the Welsh Government.

I am very grateful to all who have contributed to the development of our intentions and commissioning activity, either through responses to our requests for feedback or via ongoing dialogue with us.

This document builds on the NOMS commissioning intentions for 2013-14. Whilst our overall commissioning priorities will remain consistent over the coming years, we are implementing reforms at pace in order to deliver a transformed justice system where proper punishment goes hand in hand with effective rehabilitation. On 19 September 2013, the Ministry of Justice published the Target Operating Model¹ for the Transforming Rehabilitation reforms, describing in further detail how probation services will in future be delivered by the new National Probation Service (NPS) and 21 Community Rehabilitation Companies (CRCs.) On the same day, the department launched the competition to find the future owners of the 21 CRCs who will deliver rehabilitation services in England and Wales. The Government plans to transform the way in which offenders are managed in the community in order to bring down reoffending rates and will open up the market to a diverse range of new rehabilitation providers, incentivised through payment by results, while ensuring that public protection remains paramount. NOMS has appointed two new Directors – the Director of Probation and the Director National Offender Management Service Wales – who will play leading roles in implementing the rehabilitation reforms.

For community providers, the next year will be one of transition and significant change. During the transitional period, our commissioning priority will be to maintain service delivery as agreed for 2013-14 so far as this is feasible and ensure effective preparation for the transition of competed services to other providers. There will be challenges to maintaining service delivery, but we will ensure that the strong focus on public protection remains.

For prisons, our focus is on driving cost-effectiveness across the system with a strong, viable public sector provision working alongside a larger, more diverse provision delivered by private, voluntary and third sector partners. Annex A of this document provides the basis for negotiations leading to new Service Level Agreements and refreshed contracts for prisons starting from April 2014.

I look forward to engaging with you to ensure we continue to get our commissioning choices right in order to deliver better outcomes for less money.

A handwritten signature in black ink, appearing to read 'Ian Blakeman'.

IAN BLAKEMAN

Director of Commissioning

¹ More information is available at www.justice.gov.uk/downloads/rehab-prog/competition/target-operating-model.pdf

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Introduction

About the National Offender Management Service

The National Offender Management Service (NOMS) is an Executive Agency of the Ministry of Justice (MoJ). Its purpose is to protect the public and reduce reoffending by delivering the punishment and orders of the courts and supporting rehabilitation by helping offenders to reform their lives. NOMS is responsible for commissioning adult offender services, in custody and in the community, in England and Wales. In addition the Agency is responsible for providing custodial services both directly and under contract to other government departments through the public sector prison service². With an annual budget of £3.4 billion³, the Agency is funded in respect of services provided on behalf of the Secretary of State as set out in statute⁴. NOMS keeps the public safe by ensuring that offenders undertake, in safe and secure conditions, the punishment of the courts through custodial (prison) or community sentences delivered by prisons and probation providers.

About Offender Services Commissioning and Co-Commissioning

NOMS is committed to commissioning to secure improved outcomes to reduce reoffending and protect the public, and to ensure best value for money for the taxpayer by making best use of all available resources. Commissioning describes the cycle of planning and securing services to meet required outcomes. NOMS commissioning involves assessing the need and demand for services from offenders, defendants, courts, victims and communities; making choices about how to meet those needs; securing the right services at the right quality and price; and reviewing the delivery and effectiveness in meeting those needs. Fundamentally, NOMS commissioning is about ensuring services are designed around improving outcomes from a whole system perspective with commissioners focussing on services meeting the needs of offenders, defendants, victims and the courts by specifying *what* services they want, at *what* quality and *what* cost, rather than focussing on the providers of services, *how* services are delivered and by *whom*.

This document should be read alongside its companion *the NOMS Evidence and Segmentation document*: www.justice.gov.uk/about/noms/commissioning. The *NOMS Evidence and Segmentation* document provides explanatory information and evidence to help providers and commissioners decide on the best value choice and targeting of services, linked directly to delivery of the commissioning intentions.

Further information on NOMS offender services commissioning is available on the NOMS commissioning pages of the Ministry of Justice website: www.justice.gov.uk/about/noms/commissioning.

Further information on the rehabilitation reforms can be found at: www.justice.gov.uk/transforming-rehabilitation.

² Services commissioned from Her Majesty's Prison Service by the Youth Justice Board and the Home Office are not covered by this document, as in these cases NOMS is the provider not the commissioning organisation

³ This figure is based on the budget for 2013-14.

⁴ Offender Management Act 2007 and Prisons Act 1952 (Amended)

Co-Commissioned Services

Co-commissioning is where two or more service commissioners align their priorities while retaining responsibility for their own resources. NOMS is involved in co-commissioning over £1 billion worth of services and these play a crucial role in achieving objectives, particularly around rehabilitation of offenders. By aligning our priorities and resources throughout the commissioning cycle, both nationally and locally, with those of a wide range of other funders, and by promoting supportive relationships between service providers, we are able to ensure that we jointly support better outcomes for communities, individuals and their families.

Services in the Community

NOMS commissions around £1 billion of services each year for offenders in the community in order to protect the public and reduce reoffending by delivering the sentences and orders of the courts.

The Policy Context chapter of this document highlights some key reforms that will lead to significant changes over the coming months and years, including the introduction of new community providers under the rehabilitation reforms. Appropriate continuity of service delivery during the transition to new providers is of paramount importance, and our commissioning priority for community providers from April 2014 and throughout the transitional period will be to continue to deliver the intentions set for 2013-14 so far as this is feasible. Annex D provides a list of our commissioning intentions for 2013-14 for reference. Community providers during the transitional period will also be expected to ensure effective transition of services to new providers and to deliver any additional requirements under the rehabilitation programme as necessary in order to meet this expectation.

Services in Custody

NOMS commissions services worth over £2 billion for prisons and for the Prisoner Escort and Custody Service (PECS) from a diverse range of providers, in order to perform our core roles of protecting the public by keeping prisoners secure in safe, legal and decent prisons, effectively administering the sentences and orders of the courts, and working to reduce reoffending.

As above, the Policy Context chapter of this document highlights recent changes to the landscape within which NOMS commissions offender services in custody and in particular the way in which we commission public sector prisons. Principal among these was the Secretary of State's announcement in November 2012 of changes to the prison competition programme⁵. This entails the public sector retaining direct responsibility for the delivery of core custodial functions at considerably lower cost through the introduction of a new operating benchmark across all public sector prisons; and competing ancillary and 'through the gate' resettlement services.

Commissioners and prison providers have worked closely together to learn lessons from the commissioning round for 2013-14 and in the light of these, a number of changes have been made to our commissioning arrangements. These include the introduction of SLAs with public sector prisons over a three year period.

⁵ www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121108/wmstext/121108m0001.htm#12110865000045

Commissioners and controllers will continue to work with the privately managed prisons to build on the work around segmentation and delivery of interventions developed during 2013-14.

Working Together with the Welsh Government

This document recognises the distinctive relationships arising from the devolved responsibilities of the Welsh Government. NOMS directly commissions offender services costing approximately £140 million⁶ in Wales. While NOMS has direct responsibility, on behalf of the Secretary of State for Justice, for commissioning prison and probation services in Wales, the National Assembly for Wales and the Welsh Government are accountable for a wide range of devolved responsibilities which contribute to the rehabilitation of offenders. These include health and social services, learning and skills, housing and local government⁷.

NOMS will continue to work with the Welsh Government to ensure alignment of both our non-devolved and devolved areas of responsibility to achieve maximum value and benefit to people in Wales. This involves NOMS integrating its commissioning approach in Wales with the Welsh Government's Programme for Government to deliver shared outcomes to reduce offending behaviour, support victims, improve outcomes to offenders, their families and communities in Wales. We are working to improve resettlement outcomes for prisoners from Wales held in prisons in England. There is a particular focus in relation to the rehabilitation of women offenders and resettlement of women back to their communities in Wales.

We recognise that an important part of helping to reduce offending behaviour and to integrate offenders back into their communities requires a range of issues to be addressed collectively across both governments. To acknowledge the importance of our relationship with the Welsh Government, we have made an appointment at Board level of a Director of National Offender Management Services for Wales from April 2014. This Director will work with the Welsh Government to support the delivery of the rehabilitation programme in the specific context in Wales. The Director will also have overarching responsibility for leading and managing the delivery of prison and probation services in Wales and system integration for offender management. This includes identifying joint commissioning and procurement opportunities to achieve more for less and building safe communities in Wales.

About the NOMS Commissioning Intentions document

This document, and the companion *NOMS Evidence and Segmentation* document, has been informed by an extensive internal lessons learned process and over 40 provider and stakeholder responses to our request for feedback in May 2013. The contributions received, from probation trusts, public sector prisons and privately managed prisons; public, private and other providers, charities, other government departments, and independent consultants, have informed the process of developing and finalising our commissioning priorities from 2014.

Copies of this document will also be available in the Welsh language.

⁶ Based on budgets for 2013-14.

⁷ See: wales.gov.uk for more information on devolved responsibilities.

Policy Context for Service Delivery

The MoJ Business Plan 2013⁸ sets out how the department will implement the Coalition Government's policies to reform the justice system. These reforms involve transforming rehabilitation to reduce reoffending and improve value for money in delivery of probation services; making the custodial system and sentencing more effective and cost-efficient; transforming youth custody; improving the way courts and tribunals work and reducing the cost of legal aid.

NOMS' priority is to protect the public and reduce reoffending by delivering the punishment and orders of the courts and supporting rehabilitation by helping offenders to reform their lives. We achieve this by delivering our key operational services and managing system-wide delivery of offender services in England and Wales. Within this context, NOMS is focused on achieving these policy objectives by making the custodial system more effective and cost-efficient and implementing the rehabilitation reforms.

Our reforms to the way we rehabilitate offenders comprise:

- the opening up of the market to a diverse range of new rehabilitation providers, incentivised through payment by results to reduce reoffending;
- a new public sector National Probation Service (NPS) which will be part of NOMS;
- the extension of supervision after release to nearly all offenders leaving custody; and
- a new "through the prison gate" resettlement service across England and Wales.

Once the reforms are fully implemented, there will be 21 Community Rehabilitation Companies (CRCs) each of which will provide services in its Contract Package Area (CPA). CRCs will manage the majority of offenders in the community sentenced to Community Orders (COs), Suspended Sentence Orders (SSOs) and those subject to licence conditions or supervision requirements and will deliver innovative rehabilitative support to offenders. The new NPS will directly manage offenders who pose a high risk of serious harm to the public (including those whose risk has escalated to high during the course of their sentence) or those released from custody who have committed the most serious offences, and will have a key role at certain stages of the process for all offenders, for example in advising the courts on sentencing, determining allocation and dealing with enforcement action, working closely with CRCs.

Through the use of competition, we intend to diversify the provision of rehabilitation services to get the best out of the public, voluntary and private sectors at the local as well as national level. The reforms will give providers the flexibility to develop their own effective practices, the opportunity to work with the group of short-sentenced offenders with higher reoffending rates, and will incentivise them by only paying in full for real reductions in reoffending. By putting in place an unprecedented nationwide 'through the gate' resettlement service, we will ensure that most prisoners will be given continuous support by one provider from their time in custody to their reintegration into the community. NOMS will support this by making sure that most offenders are released from a prison designated to optimise the 'through the gate' arrangements.

⁸ transparency.number10.gov.uk/business-plan/14

The reasons why people turn to crime vary widely and our reforms are designed to encourage and enable new provider responses to better meet the needs of diverse groups of offenders. The reforms also recognise that to change criminal behaviour frequently requires investment from and collaboration with services outside the criminal justice system that provide, among other things, a home, work, access to learning or treatment for problems such as drug misuse or mental ill-health. We expect providers to tackle these factors that often lead offenders back to crime.

In the Written Ministerial Statement made on 8 November 2012, a new approach to competition and efficiency across prisons was announced.⁹ This approach will see the arrangements the public sector developed in competition to deliver efficiencies and operational improvements rolled across all public sector prisons. This will entail the public sector retaining direct responsibility for the delivery of core custodial functions and the provision of ‘through the gate’ and other ancillary services provided through market competition. This innovative use of competition will drive down costs and create the opportunity to expand the payment by results approach to improve rehabilitation outcomes.

We have a clear vision for future delivery of offender management both in the community and in custody as set out in the NOMS Business Plan for 2013/14¹⁰:

- There will remain a strong viable public sector provision both in probation and in prisons – to ensure robust and effective public protection is maintained;
- The public sector will be smaller and will work alongside a larger and more diverse provision of services by private, voluntary and third sector partners to drive innovation and transform rehabilitation outcomes (including ‘through the gate’ provision); and
- Unit costs across all sectors will be reduced by implementing the most efficient operating models making effective use of the market and using ‘payment by results’, where appropriate, to incentivise a focus on outcomes.

The reforms outlined above support the Coalition Government’s clear vision for Open Public Services¹¹. Commissioning is one of the tools NOMS uses to help drive this agenda, which we have taken forward in the following ways:

- **Diversity and choice** - a switch from a presumption that the public sector should be the default deliverer of public services to a commitment that the government will commission from a range of providers
- **Transparency** - the importance of public bodies functionally separating commissioning and provider activities
- **Accountability** – the importance of all providers being sufficiently held to account by the commissioning authority
- **Decentralisation** - a recognition that while decisions over public services should generally be decentralised to the lowest appropriate level, some services cannot readily be devolved to individuals or communities

⁹ www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121108/wmstext/121108m0001.htm#12110865000045

¹⁰ www.justice.gov.uk/downloads/publications/corporate-reports/noms/2012/noms-business-plan-2013-2014.pdf

¹¹ www.openpublicservices.cabinetoffice.gov.uk

Commissioning Intentions

Introduction

A “commissioning intention”¹² is a statement setting out the priorities of the commissioning authority in respect of services that it wishes to secure. This chapter presents **six overarching commissioning intentions**, which focus on the importance of delivering effective offender services, enhancing public protection and giving offenders the necessary support to help them to address their offending behaviour. These intentions will also contribute to the delivery of further efficiencies whilst strengthening and integrating offender services across an increasingly diverse range of providers.

It is important to note that commissioning intentions do not provide comprehensive coverage of all NOMS’ requirements. These are communicated by Service Level Agreements (SLAs) and contracts with providers, including through references to legislation, service specifications, instructions and other mandatory requirements contained in these documents.

An explanation of the six overarching intentions is provided below. Annex A sets out the specific custodial intentions underpinning each of our overarching intentions, which provide the basis for negotiations leading to new SLAs and refreshed contracts for prisons starting from April 2014.

This chapter should be read alongside *the NOMS Evidence and Segmentation* document: www.justice.gov.uk/about/noms/commissioning. The *NOMS Evidence and Segmentation* document provides evidence to help providers and commissioners decide on the best value and most effective approach to delivering the intentions.

1.	Enhance public protection and ensure a safe, decent environment and rehabilitative culture
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Protecting the public, reducing reoffending and the delivery of the sentences of the court are NOMS’ primary objectives. It is critical that offenders are managed effectively, the risk of further offences and the risk of serious harm are reduced, and that the public feel safe. Providing a safe and decent delivery environment is fundamental to achieving these outcomes. It is also an essential foundation for building a supportive and rehabilitative culture that motivates and enables offenders to make positive changes in their lives.

This intention focuses on the active development of an environment which is safe, secure and decent, and one which assists offenders towards rehabilitation while ultimately ensuring that the public is protected. This requires a culture where authority is exercised confidently, consistently and fairly in order to build trust and improve safety.

¹² A commissioning intention should be clear about the outcome it relates to, the rationale for the intention, and the response expected from providers and other interested parties. A commissioning intention may include detail about outputs and inputs sought, where this is considered necessary to ensure priorities are delivered.

2.	Strengthen integration of service delivery between directly funded, co-commissioned providers and wider partners
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Integration of services is critical to maximising investment and securing better outcomes for offenders, their families and local communities. This intention focuses on effective alignment, prioritisation and sequencing of service delivery with all providers of services to offenders locally, regionally and nationally. This includes:

- Services directly commissioned by NOMS from a wide range of providers in the public, private and voluntary and social enterprise sectors
- Services specifically for offenders commissioned by other government departments, the Welsh Government and their agencies or other public sector commissioners such as Police and Crime Commissioners
- Externally sourced commercial contracts (for example in prison industries)
- Mainstream activity commissioned for the general population that offenders need to access in the community (for example health, housing, and learning and skills)
- Wider statutory and non-statutory partnership activity that supports public protection and reducing reoffending outcomes such as MAPPA, Community Safety Partnerships, Safeguarding or Integrated Offender Management
- Services ensuring continuity of care for those released on licence

3.	Deliver an efficient, quality service
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This intention focuses on the quality of service that providers deliver. Delivery should be evidence informed, efficient, quality assured, well targeted, within minimum requirements as set out in specifications, instructions and contracts. Services must be of appropriate quality and delivered in the most efficient way to obtain the best value for the taxpayer.

4.	Ensure delivery is matched to population, purpose and NOMS outcomes
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All providers should think about matching delivery to population, purpose and outcomes, but in particular many providers will be delivering within a specific context (such as dealing with high medium or low risk offenders, the women's or young adult estate, high security estate, training prisons, or resettlement prisons) where delivery will need to focus on the outcomes associated with that function.

Segmentation is an ongoing programme of work that is developing and synthesising the evidence on what works in delivering different outcomes for different groups. Providers should use the information provided through segmentation and local data sources to target the delivery of case management, supervision, rehabilitation services and interventions where they are likely to deliver the greatest benefit to reduce reoffending, protect the public and manage and reduce the risk of harm. This includes ensuring services are proportionate and match the risks, needs and circumstances of offenders.

Further information on the segmentation approach and the evidence NOMS uses to inform our commissioning choices can be found at: www.justice.gov.uk/about/noms/commissioning.

5.	Ensure that delivery of services is responsive to individual needs and characteristics to maximise outcomes
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Offenders can present with a wide range of experiences and needs that impact on their ability to engage with interventions and services, successfully complete their sentence, and live independent crime-free lives. This includes protected characteristics such as gender, disability and age. This intention focuses on the delivery of services being responsive to individual needs and characteristics to ensure that (i) interventions and services are delivered in ways that offenders are most likely to respond to, and maximise their benefit; (ii) wider duties of care and decency are met and (iii) there is continuity of care on release and on licence.

6.	Deliver priority national or specialist services
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There are some services that, because of their nature or the offender group they are targeted at, require a greater level of guidance and specification. Providers, where relevant, are expected to make best use of existing provision and focus on developing capability and capacity where it is needed in delivering specialist services. It is also important for providers to be able to respond to Ministerial priorities and new initiatives.

NOMS' Expectations of Providers

NOMS commissions offender services from a wide range of providers and this section summarises some of the key expectations NOMS has of its providers. It is, of course, the case that providers are required to comply with legislation and to meet their obligations under the relevant SLA or contract. Thus, this section is not intended to be comprehensive; rather it highlights some specific expectations which providers should treat as applying, where relevant, to all commissioning intentions:

- To deliver the minimum requirements in applicable NOMS service specifications as set out in SLAs / contracts, to ensure that services are legal, safe, secure (where appropriate) and decent. The service specifications specify the outcomes and outputs required for each service listed in the NOMS Directory of Services¹³
- Where relevant, to deliver NOMS' intentions and to detail how these intentions will be met, demonstrating how evidence supports proposals, particularly in respect of services planned to be sub-contracted
- To recognise that service need, demand and business priorities can change rapidly and to engage fully with any change to NOMS' commissioning intentions and associated changes to SLAs and contracts as necessary
- To maximise value for money and to be able to demonstrate competitiveness in a challenging financial environment, including by providing assurance on the quality and value (including unit costs / prices) of service delivery

¹³ See: www.justice.gov.uk/about/noms/noms-directory-of-services-and-specifications

- To commission and sub-contract services (other than those legally reserved by statute¹⁴) where this is efficient and effective and, in so doing, to act within the law and best practice frameworks, including the Compact¹⁵
- To engage in corruption prevention activity in prisons. That is, to ensure staff are educated and trained on how to avoid corrupt practice and what to do if something suspicious is seen¹⁶. Where corrupt activity occurs providers must report it and work with regional and local corruption managers to secure a successful prosecution, or to deal with corrupt staff robustly through disciplinary procedures should Police/CPS conclude that it is not in the public interest to prosecute
- At local level, to satisfy the relevant statutory partnership responsibilities and seek to improve outcomes for offenders through, for example, influencing and supporting local assessment of needs, strategic planning and joined up delivery, including through co-commissioning. In doing so, providers must be clear that they, and not the partnership or co-commissioning body, are accountable to the Agency for the services funded by NOMS
- To be aware of and comply with the NOMS equalities policy statement and legal responsibilities¹⁷. This may involve a greater emphasis on identifying and addressing the specific needs of groups with different protected characteristics¹⁸ in the offender population
- To work with NOMS, as we continue to build the evidence base, to understand better how the services that we commission can be more responsive to the needs of offenders with protected characteristics
- To work with honesty and integrity and to be truthful at all times with regards to contract delivery, performance reporting and billing

Before commissioning offender services, NOMS may ask providers to outline their approach in respect of these expectations. Where issues are identified, NOMS may require these to be addressed through additional objectives in SLAs and contracts.

¹⁴ The Offender Management Act 2007 restricts the provision of advice to the courts to the Public Sector.

¹⁵ The Compact is the agreement, outlining a way of working for mutual advantage, between the government and the third sector. See: www.compactvoice.org.uk/sites/default/files/the_compact.pdf

¹⁶ Prisons can deliver local corruption prevention training to other organisations working in prisons if required

¹⁷ See Annex B: Equality for further details.

¹⁸ Protected characteristics under the Equality Act 2010 are listed in Annex B: Equality

Planning Assumptions

This section provides assumptions around finance, performance and contract and SLA assurance from 2014. Inevitably, planning assumptions are subject to change. Any updates required will be communicated directly to providers.

Financial Assumptions

The financial position for 2014-15 and beyond continues to be extremely challenging. There remain significant shortfalls against the original plans to achieve the 2010 Spending Review savings and the MoJ has recently agreed significant additional savings for 2014-15 and future years with the Treasury. As a consequence, the requirement to drive out savings across the whole organisation remains paramount. Work is continuing to agree the overall financial allocation to NOMS for 2014-15 and future years. The latest financial assumptions, taking into account potential changes in demand for custodial and community sentences, will be fed into the commissioning negotiations.

NOMS is committed to working with providers to use increasingly robust information about the costs of delivering services to ensure that funding and delivery (volumes, performance, quality) are aligned in support of increasing cost-effectiveness. Providers should expect to give responses to finance queries on costs of programmes in preparation for and during the commissioning process and in addition focus will also be required to understand the transitional financial impact of the rehabilitation reforms on providers of community services.

Performance Measurement

As expressed in NOMS Commissioning Intentions 2013-14, we are moving, where appropriate, to a more outcome-focused performance and delivery regime that is consistent with the principles of payment by results.

We have reviewed the framework that links NOMS' overarching outcomes to the delivery requirements set for providers, against which volumes and levels are negotiated as part of the SLA and contract negotiation process. We agreed that whilst the policy context for NOMS outcomes is changing considerably, our high-level priorities remain essentially the same, as set by the relevant legislation. Annex C outlines the delivery requirements.

We will negotiate and agree delivery requirements which ensure appropriate stretch in delivery and efficiencies. Where possible this will be supported using evidence from data supplied by NOMS Planning and Analysis Group.

Where providers are directly responsible for managing sub-contracts, they should ensure they have the right evidence and information in order to manage performance effectively, ensure the quality of delivery and address any concerns promptly.

Costs

Costs, value for money, delivery against specifications and contracts, and quality of delivery are all important parts of discussions by both community and custodial providers with commissioners and contract managers. Whilst the development of 'value for money' measures is complex, NOMS recognises that a performance framework must assess effectiveness in combination with efficiency. For public sector providers, these discussions will be supported by the use of unit cost data for individual providers collected via PREview (probation costing system) and INview (public sector prisons costing system).

With the availability, for the first time, of actual cost information by service for community providers, work was undertaken during the commissioning round for 2013-14 to support use of these data in the commissioning process. A key factor in successfully implementing such an approach was building capability in respect of use of management information on probation costs. Actual cost data for 2012-13 will provide a baseline for the cost of delivering community provision and will be critical in supporting the reform and competition of these services.

Reducing unit costs in prison is one of our priorities and a major programme of activity. Delivering change to achieve this objective will require a good understanding of service costs in public sector prisons. Under the reform programme to reduce unit costs, the benchmarking project is implementing new ways of working identified from the competition bids process that could deliver improved regimes and cost less. INview can support these changes by providing information on the resources that have been used to deliver services and by enabling comparison of resource use and the resulting cost for similar prisons. INview data will also be available to inform SLA reviews and commissioning discussions between commissioners and the public sector prison service.

When INview data is considered to be sufficiently robust, it may be used in the moderation process in the Prison Rating System to enable the cost effectiveness of prisons and implementation of benchmarks to be taken into account in the rating.

Where providers are directly responsible for managing sub-contracts, they should ensure that costs of any commercial arrangements are managed effectively.

Contract and SLA Assurance

Central to our approach of commissioning offender services is to move to a more risk-based contract and SLA management model. Providers will be expected to provide verifiable assurance to the commissioner that commissioned services are delivering the outcomes required, are being delivered in a way that meets minimum standards and are legal, safe and decent.

Community Providers

There will be no change to assurance arrangements for community providers until new contracts are in place. Transitional and future SLA and contract management arrangements, when in place, will hold the new community providers to account and provide the required levels of assurance.

Privately Managed Prisons

Arrangements for assurance of delivery by privately managed prisons are set out in the contract for each prison. In summary these are:

- The establishment shall be responsible for self-audit, assurance statements and internal management and governance checks to verify that services are being delivered in accordance with the requirements of the contract
- Commissioners may commission external (MoJ Audit and Corporate Assurance-led) audits in specific areas where internal processes do not assure commissioners of contract delivery
- NOMS is responsible for making arrangements for other consultancy, inspection and review services in order to provide the assurance required
- Providers will maintain a risk management process in accordance with HM Treasury's Managing Public Money document and guidance outlined in the NOMS risk management strategy
- Controllers at each site will observe and quality assure the delivery of commissioned services daily, reporting any concerns as required
- Providers will be expected to deliver Accredited Offending Behaviour programmes in accordance with the Deliver Accredited Programmes specification, comply with the audit requirements for the particular programme delivered and to engage in Quality Assurance reviews and audit activity as and when necessary

Public Sector Prisons

Arrangements for assurance of delivery by public sector prisons are set out in Service Level Agreements. In summary these are:

- Establishments shall be responsible for self-audit, assurance statements and internal management and governance checks to verify that services are being delivered in accordance with the requirements of the SLA
- Commissioners may commission external (MoJ Audit and Corporate Assurance-led) audits in specific areas where internal processes do not assure commissioners of SLA delivery
- Commissioners will review delivery against the SLA by means of a proportionate review process, largely relying on the provider's internal assurance information and processes
- Providers will maintain a risk management process in accordance with HM Treasury's Managing Public Money document and guidance outlined in the NOMS risk management strategy
- Providers will be expected to deliver Accredited Offending Behaviour programmes in accordance with the Deliver Accredited Programmes specification, comply with the audit requirements for the particular programme delivered and to engage in Quality Assurance reviews and audit activity as and when necessary for the relevant programme

Demand for Services

In planning what services to commission, particular emphasis must be placed on understanding the demand for offender services from the courts as well as understanding the criminogenic needs present in different groups (or 'segments') of the offender population.

Changes in the level and type of crime committed impact on the demand for offender services. The balance between custodial and community services is driven by the volume and type of sentences passed by the courts.

Where an offender receives a Community Sentence or Suspended Sentence Order (SSO)¹⁹, one or more requirements are attached to the order to address one or more of the five purposes of sentencing.²⁰

More information about the prison population and probation caseload can be found in the Offender Management Statistics Quarterly Bulletin²¹. The MoJ publishes projections of the prison population on an annual basis. The next publication of the projections is scheduled for November 2013 and will be available on the MoJ website. The figures below provide a snap-shot of demand and these volumes will change over time.

Community

The probation caseload²² at the end of March 2013 was 222,306. This represents a fall of five per cent compared to the same point in 2012. This fall continues the downward trend seen in recent years and is a reduction of nine per cent since a peak of 243,434 in 2008.

At the end of March 2013, the total caseload of offenders serving court orders was 112,090, which was ten per cent lower than the previous year. Of these:

- The number of offenders being supervised under Community Orders was 74,768, ten per cent lower than the previous year
- The number of offenders being supervised under SSOs at the end of March 2013 was 37,865, a nine per cent fall against the previous year

The number of offenders starting court orders also decreased over this period. Community Order starts fell by fifteen per cent between the quarter ending March 2012 and the quarter ending March 2013. SSO starts fell by seven per cent over this period.

¹⁹ For more information on the different types of sentences and orders of the court, see: www.direct.gov.uk/en/CrimeJusticeAndTheLaw/Sentencingprisonandprobation

²⁰ For the five purposes of sentencing, see: sentencingcouncil.judiciary.gov.uk/sentencing/what-sentences-for.htm

²¹ www.gov.uk/government/publications/offender-management-statistics-quarterly-jan-mar-2013

²² The caseload totals quoted count individual offenders only once. However offenders may have more than one type of sentence running concurrently.

The number of offenders on the pre- and post-release caseload stabilised at 111,511 following a previous upward trend. However, the number being supervised on licence post-release increased by three per cent between 31 March 2012 and 31 March 2013.

The number of requirements started under court orders continued to fall between the quarters ending March 2012 and March 2013, in line with the decrease in the number of court order starts. Much of this decrease was driven by falls in the number of curfew and unpaid work requirements given under both community orders and SSOs. Use of all requirements fell, with the exception of drug treatment requirements given as part of an SSO (up by four per cent over the same period.)

Custody

The prison population fell by three per cent from 86,048 on 30 June 2012 to 83,842 on 30 June 2013.

The remand population continued on a downward trend, though at a slower rate of reduction than in the previous year. The number of remand prisoners fell by three per cent between June 2012 and June 2013. This was due to a 12 per cent decrease in the convicted unsentenced population (from 3,653 to 3,231). This level of reduction was not seen in the untried population, suggesting that the full impact of measures restricting the use of remand for offenders who would be unlikely to receive a custodial sentence has now been realised.

The sentenced population also fell by 2,329, or three per cent, from 73,562 in June 2012 to 71,233 in June 2013. The only increase was in offenders serving longer determinate sentences over four years, including 300 offenders on the new Extended Determinate Sentence. In contrast, the number of offenders serving sentences of less than 12 months continued to fall and sentences of 12 months to less than four years also declined.

These factors combined means that the current population is currently tracking between the low and medium projections.

Contact Information

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Annexes

A. Specific Custodial Intentions

1.	Enhance public protection and ensure a safe, decent environment and rehabilitative culture.
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This intention focuses on protecting the public and reducing reoffending by providing a safe, secure and decent delivery environment where offenders are enabled to make positive changes to their lives.

Enabling rehabilitation and desistance:

1(a)	There is a sense of purpose in relation to rehabilitation, desistance, and progression through a sentence which is shared and understood by all who work with offenders.
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Providers should be able to demonstrate that there is a clear sense of purpose in relation to rehabilitation and progression which all who work with offenders share and are able to articulate.

There should be an overarching strategic plan for how providers will deliver rehabilitative outcomes as well as a wide enough range of opportunities for growth and positive change.

1(b)	All who work with offenders consistently demonstrate behaviours and attitudes that support rehabilitation and desistance.
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All who interact with offenders should have the knowledge, competencies, skills, attributes and support to maximise the effectiveness of their interactions. They should seek to form constructive relationships with offenders and address anti-social attitudes, thinking and behaviours through demonstrating pro-social behaviours and interactions, and coaching of offenders. Specifically, those who work with offenders should model skills and attitudes that will help desistance, such as pro-social attitudes, problem solving, perspective taking, helping offenders take responsibility for their futures, and constructive conflict resolution. Those who work with offenders should also recognise offenders' strengths and resources and work to develop them.

Providers should be able to show that the effectiveness of their employee/offender engagement and interactions are monitored on a continuous basis and identified improvements put in place.

Safety and Security:

1(c)	Efforts are made to ensure offenders experience the environment as safe.
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Providers should have measures in place to ensure offenders feel safe and are able to focus their attention on completing their sentence and on rehabilitation and change. For offenders to feel safe they need to feel they

are free from attack and believe they are in safe hands. This requires that authority is exercised confidently and offenders are managed with regard to both their and others' safety and well being.

1(d)	Good quality risk assessments, risk management systems and information-sharing between partner agencies (where relevant) result in the application of appropriate public protection and security measures, and these ensure the needs of victims are appropriately addressed.
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The conditions of security in which a prisoner is held should be appropriate to the individual risks presented. Applying unnecessary security is costly, a disproportionate use of staff time and can inhibit, rather than enable, prisoner access to rehabilitative interventions and activities. Similarly, failure to properly apply appropriate security measures risks prisoner escape, harm to others and erodes public confidence in the ability of NOMS to keep prisoners in safe and secure custody. Good quality risk assessments and information sharing, underpinned by robust systems which take account of intelligence and dynamic security, are critical in ensuring that prisoners have security consistent with managing risk and facilitating rehabilitation applied to them at all stages of their sentence, both within the establishment and while on escort.

1(e)	Intelligence is gathered, developed and shared in a safe and timely manner.
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Intelligence is at the heart of decision-making in prisons. It is essential to be proactive in intelligence gathering and to recognise the circumstances in which information gathered in a prison must be shared with an appropriate partner. The introduction of the Project Mercury intelligence system will provide a platform for this and prisons should plan and explain how they will use it and other tools, approaches and relationships at their disposal to achieve this intention, ensuring compliance with the relevant provisions of the Regulation of Investigatory Powers Act (RIPA) 2000²³.

1(f)	The availability of drugs and mobile phones in prisons is tackled.
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The availability of drugs and unauthorised mobile phones in prisons hinders prisons' efforts to keep prisoners safe and prisons secure, to rehabilitate offenders, to reduce reoffending, to treat drug misuse and to protect the public (including individuals who are re-victimised by a serving prisoner). The government is committed to tackling both as set out in the national drugs and organised crime strategies. NOMS intends to continue to invest in work to reduce drug and phone supply including the use where appropriate of new technologies, close working with law enforcement partners to share intelligence and tackle staff corruption and the further development of drug free wings.

1(g)	Prisoners are prevented from continuing criminality from within prisons.
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A number of prisoners seek to continue their criminal activity from within custody and NOMS is determined to deter and detect this as far as is possible. Ongoing criminality within prisons undermines NOMS' efforts to protect the public from the prisoners it is holding, who rightly expect not to be affected by prisoners' behaviour

²³ Prisons should note that in describing their activities in meeting this intention any information above the RESTRICTED level must not be included in responses.

during their time in custody. Systems, monitoring of communications and relationships and information sharing with partners are key, and NOMS requires prisons to use these to prevent ongoing criminality in custody. Whilst no offender type is excluded from this intention, of particular concern to NOMS are extremists, organised criminals and gang members.

2.	Strengthen integration of service delivery between directly funded, co-commissioned providers and wider partners.
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This integration of services is critical to maximising investment and securing better outcomes for offenders, their families and local communities.

2(a)	There is evidence of effective coordination of delivery of services and integration of providers locally, regionally and nationally to maximise outcomes for offenders.
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In responding to this intention we expect providers to be able to evidence and articulate:

- A clear strategic vision, including a shared understanding of outcomes and priorities, for how services should align to maximise outcomes and create an integrated, seamless offender management service
- A clear, agreed plan of how services should sequence and compliment each other, providing continuity of services both within and across prisons, and a clear commitment to facilitating the needs of all providers and contractual partners to allow them to deliver effectively. Where there is commercial activity, strong partnerships and commercial relationships are built and maintained
- Leadership which actively enables and integrates services, where partnership working arrangements improve performance and aid the resolution of issues
- An understanding of resource allocation, and how delivery and choices impact on the investment and activity of others
- An agreement on how to safely use and share data, information and intelligence and how to assist others in understanding that data and information

2(b)	Facilitate the ongoing operation of mandating day one entry of prison leavers onto the DWP Work Programme and any future changes through the introduction of Universal Credit.
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Prisoners eligible to receive the Job Seekers Allowance are now being mandated to join the DWP Work Programme from day one of their release from prison. This is likely to impact on over 30,000 prisoners a year and will provide significant support to prisoners to become productive members of society. All prison providers will be expected to maintain and build on relationships, alter service delivery as volumes change and enable and encourage Work Programme staff to work with offenders. Providers will also be expected to facilitate provision of services to enable advance claims for Universal Credit as it is rolled out; this is likely to increase significantly the number of interventions DWP staff will need to make and hence the resources they will require.

2(c)	<p>In England - work together with NHS England and Public Health England in line with the National Partnership and Co-commissioning Agreement to ensure that NHS commissioned health services (including clinical and non-clinical substance misuse services) in custody support both health and justice outcomes and:</p> <ul style="list-style-type: none"> • Are informed by an up to date Health Needs Assessment²⁴ taking account of the reconfiguration of the custodial estate including the creation of Resettlement Prisons • Support sustainable recovery from addiction to drugs and alcohol and improved mental health including dual diagnosis; • Promote continuity of care from community to custody, between establishments and through the prison gate in partnership with new providers of probation services; • Are implemented alongside efforts to reduce the supply of drugs and alcohol in to prisons and the diversion of prescribed medication.
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Offenders should have consistent access to health and substance misuse services throughout their sentence which are needs-led, in line with demand, equitable to those available to the general population, address health inequalities, and support rehabilitation and sustainable recovery from addiction and mental illness.

The presence of drugs in prison may reduce prisoners' motivation and determination to become drug free and make them less likely to attend drug services. Prisoners already engaged in treatment are at more risk of using drugs if these are readily available or if they associate with other drug-users. The misuse of prescribed medication can also be a significant problem which is dangerous for individuals and compromises the security and safe running of the prison.

To support these outcomes prison providers are expected to:

- work together with NHS and Local Authority commissioned providers to continue to develop and implement local delivery arrangements in line with the National Partnership and Co-commissioning Agreement and the Enablers of National Co-commissioned Services specification.²⁵ This includes the continued development and implementation of Local Delivery Agreements which must take into consideration the future role of new community providers in supporting rehabilitation outcomes and continuity of care through the prison gate.
- work together with NOMS Co-commissioners and NHS England to inform and support any re-tendering of health and substance misuse services in establishments
- work jointly with health and substance misuse providers to align activity to promote recovery from addiction with efforts to reduce the supply of drugs and alcohol into prisons and the diversion of prescribed medication through appropriate sharing of information and intelligence.

²⁴ Responsibility for producing the Health Needs Assessment rests with the commissioner of the health service but Governors and Directors of Prisons should ensure that these are current, draw on available prison data and reflect the population make up of the establishment.

²⁵ www.justice.gov.uk/downloads/about/noms/directory-of-services/enablers-specification.zip

2(d)	In England - Work together with local authorities to ensure that adult offenders and defendants with care and support needs are appropriately identified, their needs are assessed and they are supported to live with decency and as independently as possible; and that arrangements are made for continuity of care when an individual moves.
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Adults in the criminal justice system may have care and support needs, including needs for personal care such as assistance with washing, dressing and toileting. The main groups affected are older offenders and offenders with physical or learning difficulties or disabilities, but any individual may have or develop a need for care and support. Local Authorities can be engaged to assess needs for care and support and may provide or procure services. From 2015 it is expected that Local Authorities will have a duty to provide services to meet the eligible needs of people detained in prisons and resident Approved Premises²⁶.

Prison providers are expected to engage with NOMS Co-commissioners, Local Authority Social Care Commissioners and Health Commissioners to plan and support the procurement of new services by Local Authorities from 2015 and to enable continuity of care between prisons and for those who are released.

2(e)	In England - Work with local authorities to promote inclusion of, and maximise benefits to, offenders' families.
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It is important to continue to meet existing core delivery requirements to support offenders' families as we recognise that supporting and maintaining links between offenders and their families can help reduce reoffending. Doing so can contribute to tackling inter-generational offending by addressing the poor outcomes faced by children of offenders. Prisons should make contact with local authorities, share data where appropriate and use the opportunity to share good practice and develop effective interventions.

Furthermore, the importance of partnership work to support families most in need is increasingly acknowledged and criminal justice agencies have a key role to play. The Troubled Families programme in England is an important opportunity for NOMS. Many members of these families will either already be in the criminal justice system or be at risk of entering the system. Intervening positively in the lives of these families has the potential to reduce the impact on demands for MoJ's services.

2(f)	In England - Continue to improve access to a pathway of new and existing services for offenders with severe personality disorders. Services are primarily targeted at men who present a high risk of serious harm to others and women who present a high risk of committing further violent, sexual or serious criminal damage offences. Services are co-commissioned with NHS England Specialised Commissioning to support health and justice outcomes.
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²⁶ The Care Bill introduced to parliament in May 2013 clarifies the framework for responsibility to undertake assessments of need for care and support, and to provide services to meet eligible needs above a threshold which will be set nationally. Reforms to the social care system in England will follow the completion of parliamentary scrutiny of the Care Bill and are anticipated to be implemented from 2015

The personality disorder (PD) pathway will improve identification and assessment of offenders early in their sentence, increase treatment capacity, and enhance their risk management, thereby helping reduce the risk of serious harm to others and the likelihood of repeat sexual and violent reoffending.

Key priorities are to ensure that offenders are identified and supported to access the specialist capacity as it becomes available. Plans to 2015 include, for men, up to six new PD treatment services in prisons, up to 15 progression services across the system and, for women, additional specialised PD treatment services.

2(g)	<p>In England - Align services with Offender Learning and Skills Service (OLASS 4) providers in prisons. Put in place local partnership working arrangements and determine what learning opportunities will be offered in each prison. Support initiatives to make prisons places of work and strengthen the focus on employability. Enhance access to mainstream learning and employment services for offenders on return to the community.</p>
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Skills and employment have an important role to play in reducing reoffending and in turning people's lives around. NOMS, in association with a range of partners is committed to creating a more effective system for helping all prisoners to acquire and develop the skills necessary to compete for sustainable employment.

A new Offenders' Learning and Skills Service (OLASS 4), commissioned jointly by NOMS and the Skills Funding Agency was introduced in 2012. A key priority of which is the assessment of learning needs on reception with the delivery of Maths and English as a matter of priority, should relevant needs be identified

Prisons must ensure that they have established robust local partnership working arrangements so as to decide, at a local level, what learning opportunities will be offered in their prisons. During the last year in prison, the focus will shift to preparation for employment. Using labour market information, training will be tailored to meet the needs of employers in the areas into which prisoners will be released.

To support the 'work in prison' agenda, prisons are encouraged to ensure engagement between the OLASS 4 providers and employer supported schemes to ensure a range of skills are available and delivered to ensure the job readiness of offenders.

Providers will engage with a range of partners, in particular, the Department for Business Innovation and Skills (BIS) and the Skills Funding Agency, the Inspection and Quality improvement Agencies (for example Ofsted), the Department for Work and Pensions (DWP), Job Centre Plus, the Youth Justice Board and NOMS co-financing providers, in order to develop the quality and quantity of education provision to improve offenders' skills and employability.

There should also be arrangements in place to effectively manage the continuation of provision 'through the gate' at a local level.

2(h)	<p>In England - Strengthen partnership working to ensure that offenders have access to support and services to both prepare for and enable access to employment.</p>
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NOMS will continue to align national employer engagement strategy with local activity wherever possible to maximise opportunities for offenders. Providers should further develop joint working arrangements with a range of partners and service providers to include Job Centre Plus, DWP Work Programme providers, voluntary sector organisations and the private sector. Particular consideration should be given to working in a collaborative and co-ordinated fashion and to developing real, practical partnerships with local employers which develop into work opportunities via ROTL (where appropriate). By strengthening relationships between NOMS Co-Financing Organisation (CFO)²⁷ provision and existing or new mainstream provision (including the Rehabilitation Programme and DWP Work Programme), NOMS will ensure that offenders are able to access tailored provision suitable for their needs. All NOMS CFO contracts have been awarded for the period until December 2014; however, additional funds have been confirmed for the period 2014-20.

2(i)	In Wales - Continue to work with the Welsh Government and its devolved agencies to ensure alignment between offender services directly commissioned by NOMS and the Welsh Government's devolved responsibilities, to maximise outcomes for offenders, their families and local communities.
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Work with the Welsh Government will include a particular focus on:

- Maximising joint commissioning opportunities to achieve shared outcomes through implementing the transforming rehabilitation agenda in conjunction with the Welsh Government's programme for Government in Wales;
- Continuing to improve sustainable resettlement and rehabilitation outcomes for prisoners and offenders, through closer and more integrated ways of working between health and criminal justice providers, particularly for people with mental health problems, substance misuse, personality disorders and learning disabilities;
- Ensuring alignment with the requirements of the Social Care and Wellbeing Bill (Wales) so that the specific social care needs of prisoners and offenders in Approved Premises can be addressed as part of their overall rehabilitation;
- Promoting inclusion of, and maximising benefits to, offenders' families as part of an integrated approach to rehabilitation and reducing offending;
- Supporting local liaison between services to ensure that substance misusing offenders, mentally ill offenders and offenders with other vulnerabilities including learning difficulties and personality disorder are able to access appropriate services at the earliest possible point of contact with the criminal justice system;
- Strengthening partnership working to ensure that male and female offenders have access to the right support and services e.g. accommodation, debt advice to both support their behaviour change toward successful resettlement and rehabilitation;

²⁷ co-financing.org/index.html

- Supporting vulnerable women who are at risk of offending and improving access to appropriate support services to reduce the numbers of women who re-offend;
- Jointly commissioning a responsive needs-based substance misuse harm reduction and recovery service for prisoners in Wales, to support their overall rehabilitation;
- Maximising offender learning and skills outcomes for prisoners, through improving sustainable resettlement outcomes, including increasing numbers able to go into employment and those continuing with training for employment following their release.

3.	Deliver an efficient, quality service
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Delivery should be evidence-informed, efficient, quality-assured, well targeted, within minimum requirements as set out in specifications, instructions and contracts. Services must be of appropriate quality and delivered in the most efficient way to obtain the best value for the taxpayer.

3(a)	Target resources on evidence-informed interventions and services which are likely to deliver the best outcomes for the investment. This includes targeting factors shown to be related to NOMS intended outcomes and using a service design which will be effective with the groups which receive it.
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In delivering evidence informed services providers will be expected to;

- Target factors shown to be related to the outcomes they are responsible for delivering
- Use a service design which will be effective with the group who will receive the service (uses effective participatory methods and techniques, involves the optimum amount of contact with the offender, engages the offender and motivates change, focuses on the development and practice of relevant skills, accommodates learning styles and individual characteristics)
- Use staff who are competent in the specific work they are delivering and provide ongoing support to these staff to avoid any drift in quality of provision.

Further information on the evidence NOMS uses to inform our commissioning choices can be found at: www.justice.gov.uk/about/noms/commissioning.

3(b)	Have robust quality assurance processes in place to ensure offender services are (i) delivered as they are intended (i.e. with integrity and as planned and designed) and (ii) that they are effective.
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It is well established that the likelihood of achieving successful outcomes is impacted by quality of delivery, and that putting procedures in place to monitor quality will improve outcomes. Providers should therefore have in place efficient and robust quality assurance processes through which they can evidence the ongoing quality of their service. This should include demonstrating that their service is being delivered with integrity and as agreed, and that it is having the intended impact. Providers should also ensure that any direct commitments to quality in agreements and commercial contracts are monitored and managed and corrective action is taken as necessary.

Where this involves co-commissioned services (such as the Offenders' Learning and Skills Service) providers should implement and monitor local quality assurance processes to ensure the on-going quality of the delivery.

3(c)	Review delivery where it exceeds the minimum requirements set in the NOMS Service Specifications.
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Given the resource context that NOMS is operating in, we need to be clear about activity that should stop. It is our intention for all providers to identify those areas of delivery that exceed the minimum requirements set in the NOMS service specifications, to review that delivery and, unless there is compelling evidence to support continuation, to agree plans to stop this activity. Where providers want to continue activities we will want to see a clear rationale with evidence where appropriate.

4.	Ensure delivery is matched to population, purpose and NOMS outcomes
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All providers should think about matching their delivery to their population, purpose and outcomes.

4(a)	Use segmentation and local data sources to target resources for rehabilitation services, case management and risk management where they deliver the greatest outcomes for investment.
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i. Core Targeting Principles

In order to maximise the impact of investment, the targeting of services, interventions, risk and case management should be:

- Informed by appropriate assessment of risk and needs
- Proportionate to degree of risk posed by the offender
- Aligned to the nature of the risk posed by the offender (for example, risk of any offending, violent reconviction, of sexual reconviction, of serious harm)
- Focused on factors which have been shown to influence likelihood of reoffending in those who receive the service
- Aligned with services provided by other agencies

It should also be aligned with the other commissioning intentions, so that services are:

- Responsive to the needs and circumstances of offenders which affect their experiences of rehabilitation (including gender, age, ethnicity, see also intention 5). In particular, while men and women share many of the same criminogenic needs overall, the particular predictors of reoffending may differ according to age, gender and offence type.

- Focused on evidence-informed services so that services deliver the best outcomes for those who receive them

The Evidence and Segmentation Companion Document to NOMS Commissioning Intentions from 2014²⁸ provides more detailed information on the effective targeting of resources and should be read alongside this document.

To support these core targeting principles, more detailed guidance is provided below.

ii. Targeting resources based on ‘likelihood of any reconviction’:

NOMS’ core targeting approach for case management and rehabilitation interventions and services is to target resources based on the ‘likelihood of any reconviction’.

The amount of case management and rehabilitative interventions and services should be proportionate to the ‘likelihood of any reconviction’ (as defined by OGRS score band). See the table at vii on page 30 for detailed guidance.

Likelihood of reconviction is measured by the OGRS score and our population can be divided into bands depending on their likelihood of reconviction, from low likelihood (OGRS score below 25%) to extremely high (OGRS score above 90%). The higher the likelihood of reconviction the more resource we need to invest for people to desist from offending.

The highest OGRS score offenders in our system – those who are most likely to be reconvicted post release - tend to have committed and to go on to be reconvicted of acquisitive crimes such as shoplifting and burglary

iii. Targeting resources based on risk of serious harm

Having a high OGRS score (above) is very different from being high risk of harm. NOMS targeting approach for risk management activity is to target resources based on the ‘risk of serious harm’ presented by the offender.

Therefore the amount and nature of risk management activity should be proportionate to the level of risk of serious harm posed by the offender.

The ‘risk of serious harm’ is currently determined by the ROSH assessment in OASys, and is also informed by RM2000/OSP, OVP and other specialist tools such as SARA and HCR-20 where relevant and available.

Higher harm offenders include some sexual offenders, some violent offenders, and some of those on indeterminate sentences. For these offenders, as well as understanding how likely they are to commit any type of reoffence it is also helpful to understand their specific risk of violent reconviction (see v below) or sexual reconviction (see iv below), and to understand the impact of being on an indeterminate sentence (see vi below) where risk is much more carefully scrutinised before release.

iv. Targeting rehabilitation resources for sex offenders based on likelihood of sexual reconviction

²⁸ www.justice.gov.uk/about/noms/commissioning.

Sex offenders are often low likelihood of reconviction, but the potentially harmful nature of their offending warrants the following commissioning approach:

<p>All sex offenders:</p> <ol style="list-style-type: none"> 1) Male offenders with a sexual index offence (or any offence with a clear sexual element) should be further assessed with a sexual reconviction predictor such as RM2000/s or OSP to identify their likelihood of sexual reconviction. 2) The intensity of case management should be proportionate to the level of risk of sexual reconviction posed by the individual. 3) MAPPA can be effective in managing risk for sexual offenders and MAPPA guidance should be followed. Offenders with a previous sexual offence will also be managed under MAPPA until their notification requirement expires. 4) Polygraph testing will be delivered as a compulsory part of licence conditions for some sexual offenders 5) Those whose offences relate exclusively to the possession, making, sharing or distribution of indecent images of children should not be directed to accredited sexual offending interventions in custody regardless of their level of risk on OSP or RM2000/s. 6) As there are no predictors for women with convictions for sexual offences, all women should be dealt with as individual cases. The approved NOMS framework for working with female sexual offenders is available to guide this work.
<p>Sex offenders with a low risk of sexual reconviction (i.e. low on RM2000/s or OSP):</p> <ol style="list-style-type: none"> 1) The accredited programmes designed to reduce sexual reoffending should not be targeted at offenders with a low risk of sexual reconviction (whatever their OGRS score). 2) The exception to this is sex offenders with low IQs or who are convicted of a sexual homicide, who may routinely have more dynamic risk factors and may therefore warrant more treatment. Therefore offenders who have committed a homicide with a clearly identifiable sexual element and those with an intellectual disability should be able to access Adapted/ Core sex offender treatment programmes.
<p>Sex offenders whose risk of sexual reconviction is elevated (i.e. above 'low risk' on either RM2000/s or OSP):</p> <ol style="list-style-type: none"> 1) Core sex offender treatment programmes should be targeted at offenders who are above 'low risk' on either RM2000 or OSP. 2) Circles of Support & Accountability affiliated to Circles UK are valuable for offenders who are above 'low risk' on either RM2000 or OSP. 3) Offenders who are high or very high risk of sexual reconviction should receive the highest intensity programmes such as the Extended SOTP. 4) Medication should be considered for offenders who are high or very high risk of sexual reconviction and who have high levels of sexual preoccupation or compulsive sexual-offence fantasies.

v. Targeting rehabilitation for violent offenders based on likelihood of violent reconviction:

<p>For offenders with a violent index offence:</p> <ol style="list-style-type: none"> 1) In general offenders who have low OGRS scores (0-24%) tend also to be low risk of violence. In general, violent offenders in this lowest OGRS band will not require any further assessment of risk of violence. The exception is individual cases where it makes sense to complete a violence assessment based on knowledge of the case. 2) For violent offenders with a higher OGRS score (25%+), the risk of future violence should be identified through a valid violence predictor (i.e. OVP which is part of OASys or SARA if intimate partner violence is indicated). 3) The amount of risk and case management should be proportionate to the level of violence risk posed by the individual. 4) The intensity of violence interventions should match the level of violence risk of the offender, with the highest intensity programmes (like CHROMIS and SCP which have in excess of 40 sessions) being reserved for those
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<p>at high risk of violent recidivism.</p> <p>5) MAPPA can be effective in managing risk for violent offenders and MAPPA guidance should be followed.</p> <p>6) Similar principles apply to both women and men convicted of violence. However, women tend to commit less harmful assaults than men even when their likelihood of reoffending is high. As such, their risk of harm is generally less than violent men.</p>

vi. Targeting resources for Indeterminate Sentence Prisoners (ISPs)

<p>For Indeterminate Sentence Prisoners, the guidance at i. to v. applies, but in addition:</p> <p>1) ISPs need to receive sufficient case management to enable them to progress towards safe release by the Parole Board. Case management should be highest where an ISP is post-tariff and/or not progressing at Parole hearings.</p> <p>2) Accredited interventions should only be targeted at ISPs when an offender meets the programme's risk and need criteria. Exceptions can be made where the offender is lower risk than the criteria requires but the programme is the only viable option for enabling them to progress through their sentence.</p> <p>3) ISPs who meet accredited programme criteria should be given priority access, taking into consideration how close they are to their tariff.</p>
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vii. Targeting resources based on likelihood of any reconviction

Likelihood of reconviction	This guidance should be applied <u>in combination with</u> the core principles and targeting guidance above.
All offenders	<p>All offenders, regardless of OGRS band should have access to the core rehabilitative offer (set out in the Rehabilitation Services in Custody Specification).</p> <p>This requires establishments to:</p> <ul style="list-style-type: none"> • Ensure that staff address offender's anti social attitudes, thinking and behaviours through pro-social interaction and engagement (output 4: see also Commissioning Intention 1a, 1b and 2a). • Ensure that staff support and encourage offenders to engage with rehabilitative services and make them aware of their responsibility for doing so (outputs 1 and 2: see also Commissioning Intention 1a, 1b and 2a) • The core rehabilitative offer also recognises the disruption to domestic and other responsibilities brought about by imprisonment and the obstacles to reintegration that most offenders face. It includes providing support to help overcome these issues; for example it facilitates access to services to secure/manage/maintain suitable accommodation and employment; to services which address personal financial management issues and family welfare and support need and it ensures equivalence of access to health services as in the community and access to specialist services such as those for drug and alcohol needs, domestic abuse and for sex workers (outputs 12-19). <p>In general, in order to meet NOMS' priority outcomes, services that contribute to reducing reoffending or protecting the public and that go beyond the core rehabilitative offer, should be targeted according to risk (see below)</p>
Low likelihood of any reconviction: OGRS 0-24%	<p>Offenders with a low likelihood of any reconviction are unlikely to benefit from additional rehabilitative interventions and services and higher levels of case management, and in some circumstances these can be damaging. So investment in offenders in this OGRS band should simply ensure that core services and approaches listed in the box above are in place.</p> <p>Do not invest in:</p> <ol style="list-style-type: none"> 1) Intensive case management activity 2) Intensive risk management activity except for offenders whose risk of serious harm on release is high. 3) Rehabilitative interventions and services that go beyond the 'core rehabilitative offer'.

<p>Medium likelihood of any reconviction: OGRS 25-49%</p>	<p>Offenders in this risk band are likely to benefit to some extent from higher levels of case management and additional rehabilitative services. However in the context of restricted resources they are not a priority group and the following approach should be taken.</p> <p>Invest in:</p> <ol style="list-style-type: none"> 1) Light touch case management to check on progress and maintain motivation. 2) Shorter additional rehabilitative services and interventions (as a general guide, programmes of less than 18 sessions) that are in line with the principles of effective interventions and are matched to need. But such interventions should only be provided if they do not threaten resources that would otherwise be directed at higher risk offenders. 3) More moderate length rehabilitative interventions that go beyond the 'core rehabilitative offer' (as a general guide group, programmes about 18 to 40 sessions in length, including accredited programmes such as TSP and RESOLVE) provided that they do not threaten resources that would otherwise be directed at higher risk offenders. 4) Face to face Victim-offender conferences (Restorative Justice) for offences where there is a clear victim and the victim is willing to participate. <p>Do not invest in:</p> <ol style="list-style-type: none"> 5) Intensive case management 6) Intensive risk management activity except for offenders whose risk of serious harm on release is high or very high. 7) Longer rehabilitative programmes and interventions 8) Multiple interventions or services (per offender) which address the same needs.
<p>High and very high likelihood of any reconviction: OGRS 50-74% and OGRS 75-89%</p>	<p>Offenders at high and very high likelihood of any reconviction benefit from additional rehabilitative services and interventions, and high levels of structured case management.</p> <p>Invest in:</p> <ol style="list-style-type: none"> 1) Intensive case management activity, at a level broadly proportionate to OGRS score, including one to one supervision time to recognise achievement, motivate, plan for positive change and consolidate learning from interventions. 2) Proportionate risk management activity to address both risk of any reconviction and also, where it is assessed as 'high' or 'very high', risk of serious harm on release. 3) Additional rehabilitative services and interventions that can evidence their effectiveness at reducing reoffending and are matched to need. Cognitive skills programmes (such as the Thinking Skills Programme) should only be targeted at offenders with index offence types of 'violence', 'sex', 'drugs' and 'other', who have been shown to benefit. Most offenders with current convictions for robbery and acquisitive offences are unlikely to benefit from cognitive skills programmes. 4) Treatment addressing drug use for acquisitive offenders whose offending is driven by drug misuse, especially where their conviction is for theft or shoplifting. 5) Face to face Victim-offender conferences (Restorative Justice) where it is clear that the offence had an identifiable victim and the victim is willing to participate. 6) NOMS has commissioned research on acquisitive offenders and is also keen to support theoretically sound innovative services and interventions for acquisitive and robbery offenders in this group as long as they are proportionate to risk and need and are accompanied by an evaluation plan. <p>Do not invest in:</p> <ol style="list-style-type: none"> 7) Multiple interventions or services (per offender) which address the same needs

<p>Extremely high likelihood of any reconviction (prolific offenders): OGRS 90-100%</p>	<p>Offenders in this risk band are very likely to reoffend but their offences are frequently acquisitive rather than violent. Men in this risk band tend to be convicted particularly of theft and shoplifting. Women in this risk band tend to be convicted of shoplifting. Those serving prison sentences of less than 12 months have particularly high concentrations of offenders in this risk band.</p> <p>Invest in:</p> <ol style="list-style-type: none"> 1) The most intensive case management activity, including one to one supervision time to recognise achievement, motivate, plan for positive change and consolidate learning from interventions. 2) Proportionate risk management activity to address both risk of any reconviction and also, where it is assessed as 'high' or 'very high', risk of serious harm on release. 3) Treatment addressing drug dependency, particularly for acquisitive offenders whose offending is driven by drug misuse (often those whose conviction is for theft or shoplifting). 4) IOM partnerships. <p>Do not invest in:</p> <ol style="list-style-type: none"> 5) Cognitive skills programmes. Evidence suggests that they are not likely to be effective for people at this level of risk.
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<p>4(b)</p>	<p>Ensure the use of custodial capacity delivers the most cost-effective configuration of places and meets the MOJ's strategic requirements and the needs of co-commissioning and delivery partners whilst reducing cost.</p>
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NOMS will commission approximately 88, 400 places in 2014-15 to ensure there is sufficient capacity to respond to demand. NOMS is committed to modernising its estate through closure of places that are no longer suitable to provide modern prison services and bringing on new capacity to replace it.

We intend to reconfigure the estate to maximise the resources in place and support delivery of key reform programmes such as the prison unit cost and rehabilitation programmes.

We want to ensure we are using our capacity in the most efficient way possible. NOMS will therefore set operational priorities strategically at a national (and where appropriate at regional level) to ensure there is a better match between the targeted needs of prisoners and the provision available, while still ensuring value for money.

We will review the population specifications used in negotiating SLAs and contracts in light of the reconfiguration of the estate to identify any strategic opportunities to meet this intention. We will work with co-commissioning and delivery partners on developing opportunities to configure our estate differently, and work through the challenges for particular localities, stakeholders and groups of offenders.

<p>5.</p>	<p>Ensure that delivery of services is responsive to individual needs and characteristics to maximise outcomes.</p>
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Offenders can present with a wide range of experiences and needs that impact on their ability to engage with interventions and services, successfully complete their sentence, and live independent crime-free lives. This intention requires the delivery of services to be responsive to individual needs and characteristics and to maximise outcomes.

5(a)	Relevant individual needs and characteristics are effectively identified, assessed, and monitored. This information is shared appropriately, proactively and sensitively across the organisation, and with delivery partners.
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Systems should be in place to ensure that relevant individual needs (see list in 5b) are assessed effectively, and information shared appropriately, at the most helpful point in an offender's sentence. Offenders' needs may change over time and may be exacerbated by their particular circumstances, including length of imprisonment. Therefore monitoring and reassessment is particularly important.

5(b)	Information regarding individual needs and characteristics is used to adapt and sequence services to meet individual needs and maximise their benefit, and offenders are supported and encouraged to access appropriate services.
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NOMS expects providers to take account of the specific needs and characteristics of individuals and that providers are able to evidence and articulate how they will ensure offenders are supported and encouraged to access appropriate services, with reference to:

- Learning Disability and Difficulty
- Physical health and disability
- Mental health
- Maturity, including capacity for taking responsibility for and understanding consequences of one's actions, and attitudes to risk taking
- Family circumstances (e.g. relationship breakdown, caring responsibilities, financial difficulties etc)
- Protected characteristics including:
 - Gender
 - Sexual orientation
 - Race
 - Age
 - Faith
 - Gender re-assignment
 - Pregnancy and maternity

Examples of how offender services should be tailored include adapting materials and interventions, adjusting communication style and adding resources such as targeted one to one support.

As well as considering an individual's specific characteristics, providers will need to demonstrate that they are able to make any reasonable adjustments required by the law. Where reasonable adjustments require partnership working, co-commissioned approaches should be looked at.

6.	Deliver priority national or specialist services
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There are some services that, because of their nature or the offender group they are targeted at, require a greater level of guidance and specification.

6(a)	Continue to identify, assess and manage extremist offenders by engaging with existing local structures and ensuring that training and awareness is embedded among key staff groups. Ensure referral, where appropriate, to interventions, structured assessment and structured interventions and faith-based programmes according to offender risk and need.
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The United Kingdom's Strategy for Countering Terrorism (CONTEST²⁹) sets out an expectation that NOMS will contribute to reducing the risk to the UK from terrorism.

NOMS Better Outcomes: *working with Extremist Offenders* (issued to prison and probation providers in March 2013) set out that this should be achieved through effective assessment using existing tools (such as OASys), relevant and credible information drawn through multi-agency processes, and specialist risk assessment tools (e.g. ERS and ERG) may be applied to inform appropriate interventions and management strategies. Possible examples include interventions such as Channel, structured assessments such as Extremism Risk Guidance (ERG22+), structure interventions such as Health Identity Intervention (HII) and, within prisons, faith-based programmes such as Tarbiyah and Ibaana.

Effective risk management plans should be in place, and should target individuals' specific needs using services and interventions designed to address factors identified as contributing to their offending behaviour. Where appropriate, specific interventions designed to address identification or engagement with extremist groups, causes or ideology may be required.

6(b)	Deliver victim-offender conferences (Restorative Justice) where capacity exists and develop partnerships and a supportive environment to enable delivery where it does not.
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Although the commissioning and delivery landscape is changing, prisons will continue to have a role in developing victim-offender conferencing (RJ). As RJ is now at a critical stage of development, this commissioning intention will support NOMS investments in RJ (RJ Grant Funded Programme and Pre-Sentence pathfinder evaluation.) This will ensure that there is a legacy of sustainable capacity, whilst leaving prison providers with the necessary supportive environment for RJ to be successful, whether it is delivered in house or by other providers.

The term 'Restorative Justice' covers a range of approaches, but evidence suggests that models which deliver face to face victim-offender conferencing targeted at those who have committed violent or acquisitive offences, where there is a clear victim, and where the offender is medium or high likelihood of reoffending (OGRS3 25-74) are most likely to bring the desired outcomes of increased victim satisfaction and reduced reconviction.

²⁹ CONTEST was published by the Home Office in July 2011. See: www.homeoffice.gov.uk/publications/counter-terrorism/counter-terrorism-strategy/strategy-contest?view=Binary

Activity should therefore target these offender groups and focus on models which have face to face victim-offender conferencing as a goal. There is very limited evidence on the effects of RJ in cases of sexual offending or intimate partner violence (domestic violence). Given the limited evidence for these types of offences, and the potential additional risks and challenges, it is suggested that RJ should only take place in exceptional circumstances in these cases, and only when there is confidence that the process will be of clear benefit and will not cause harm to any individual involved. It is important that where participants choose not to meet face to face, or where the risk assessment indicates this would be unsafe, an alternative form of indirect communication is available.

Effective practice for creating a supportive environment for delivery of victim-offender conferencing will consist of an infrastructure to support delivery, referral mechanisms and staff awareness briefing/training and outcome agreements linked to sentence plans and regularly reviewed as part of the sentence planning and delivery process.

Further information can be found in NOMS Better Outcomes through Victim-Offender Conferencing³⁰ and Wait 'til Eight RJ Implementation Guidance³¹.

6(c)	Ensure the efficient use of prison places through development and implementation of local bail strategies and use of HDC for appropriate offenders, including making full use of Bail Accommodation and Support Service.
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The intention aims to reduce demand for prison places by ensuring defendants and offenders remain in the community when this is appropriate with due regard to public protection, and in the case of HDC, improve reducing reoffending outcomes. In response to this intention, providers should outline their approach to ensuring that all eligible defendants and offenders are considered and referred, when appropriate, to a range of community based services, including full use of BASS, and other services such as electronic monitoring. Reference should be made to implementation of the Bail Services specification, HDC requirements and the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

6(d)	Increase the amount of commercial and economically beneficial work in prisons undertaken by prisoners.
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NOMS intends for prisons to become places of work and activity. As the new operating benchmark rolls out across the estate, a new 'core day' will support the focus on providing prisoners with meaningful work that replicates a normal working week. This not only provides a cost effective way to deliver prison regimes but also provides real work experience and skills which in turn should assist in reducing the rate of reoffending.

In order to retain and attract significant new commercial work into prisons it is essential that NOMS and prisons at an individual level and working regionally engage proactively with business to secure work on a commercial basis under the brand of ONE3ONE Solutions³².

ONE3ONE Solutions, which includes prisons, will deliver this ambition via a combination of large-scale multi-site commercial contracts, and smaller scale localised contracts managed directly by prisons.

³⁰ www.justice.gov.uk/downloads/about/noms/better-outcomes-through-victim-offender-conferencing.pdf

³¹ www.justice.gov.uk/downloads/about/noms/wait-til-eight-guidance.pdf

³² www.one3one.justice.gov.uk/

At a national level, ONE3ONE Solutions will initially offer targeted support to a number of identified prisons. Growth ambitions are underpinned by targeted business development in markets such as laundry, printing and textiles where there is both delivery capability and market potential. Prisons/regions are encouraged to develop local growth strategies to consider key industries/businesses to target.

Support will also be provided to all prisons to help develop their own local and regional business initiatives via a range of resources and business tools.³³

6(e)	Support the delivery of efficiencies across the criminal justice system by increasing the use of prison video links.
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The Ministerial Strategy and Action Plan, July 2013, strongly supports the use of prison video links technology where it is appropriate to do so and encourages prisons and courts to look to increase its use wherever possible.

Through effective and efficient use of prison video link equipment, prisons can provide a better service to the CJS users, assist with the throughput of the business in the courts, at the same time deliver savings and reduce risk through fewer prisoner movements and contribute to improved prisoner welfare with less time spent in prison vans and court cells for short hearings. The use of video technology can also facilitate the "other" uses of video conferencing, specified in the Ministerial Strategy and Action Plan, July 2013, for example legal visits by the Defense from Chambers, inter prison visits, offender management and the future delivery of 'through the gate' services.

Historically, when prison video link equipment was installed within magistrates' courts, Crown Courts and prisons in England and Wales, it was set up with a specific structure to meet the needs of the prison service and HMCTS, managed through local partnership agreements. Prisons need now to be more flexible and innovative in their approach to using video, so that the maximum amount of benefit can be derived from the prison video link system. All local partnership agreements should now consider how other users might benefit from use of the prison to court video link and other video conferencing facilities.

Where prison video link facilities exist, prisons are accordingly encouraged to establish local meetings between the courts, probation, and the judiciary with a view to agreeing a joint way of working.

Prisons should agree arrangements with their magistrates, youth and adult courts, and Crown Courts so that they have regular timed sessions according to their business needs, which should ideally not be restricted to single days or morning only sessions, thus maximising the facility. These arrangements will be detailed within the local agreements. Prisons are all encouraged to consider the best use of video links including the reallocation of internal resources to cover such hearings, utilising those freed up from the reduction in prisoner movement to support video and the location of existing video suites.

Prisons may wish to set up a single point of contact (SPOC) to address issues of double booking conflicting priorities.

³³ To help monitor progress against this key priority, work in prisons is now being measured as part of the Prison Rating System (PRS) via measures in the Reducing Reoffending and Safety & Decency domains, with a combined weight of 5%, split evenly between the two domains.

B. Equality

This annex presents a brief discussion of the way in which equalities have been considered in the formulation of our commissioning intentions from 2014. For full details of the equalities issues faced by NOMS and our approach to tackling them, see the latest NOMS Equalities Annual Report³⁴, the NOMS equalities objectives³⁵ and relevant mandatory instructions³⁶.

All public bodies have a legal duty under the Equality Act 2010³⁷ to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations across all the 'protected characteristics', namely:

- Race
- Sex
- Disability
- Sexual orientation
- Religion and belief
- Age
- Marriage and civil partnership
- Gender reassignment
- Pregnancy and maternity

NOMS has developed its commissioning process in accordance with this duty.

The challenges faced in ensuring equality in offender services are clear from the data published in our Equalities Annual Report. The offender population includes disproportionate numbers of people from a number of minority and/or historically disadvantaged groups, and there are persistent differences between groups in terms of a number of our key outputs and processes. In some cases this is the result of a service that is responsive to the needs of offenders, but in others the data suggests that there may be unfairness in the way that we are treating different groups. We are using the commissioning process as a means of addressing these challenges.

NOMS' evidence-informed approach to commissioning is designed to achieve the best outcomes in terms of protecting the public and reducing reoffending. It is intended to ensure that commissioning decisions are objective, and should therefore drive greater consistency and a fairer system for all.

Our expectation is that the responsivity principle will involve providers in undertaking further work to identify and address the specific needs of different groups within the offender population, and working

³⁴ These will continue to be made available at: www.justice.gov.uk/downloads/publications/noms/2012/noms-equalities-annual-report-11-12.pdf

³⁵ See pp23-24 of the NOMS Business Plan 2012-13: www.justice.gov.uk/downloads/publications/corporate-reports/noms/2012/noms-business-plan-2012-2013.pdf

³⁶ See Prison Service Instruction 32/2011 Ensuring Equality: www.justice.gov.uk/downloads/offenders/psipso/psi-2011/psi_2011_32_ensuring_equality.doc.

³⁷ The public sector equality duty is set out in Section 149 of the Equality Act 2010.

with us to improve our understanding of how services can be responsive to those needs. This fits with our equality objective to broaden and improve our data collection. We have also used some specific commissioning intentions to drive action to further other equalities objectives.

In the work on segmentation, we have been mindful of our responsibilities to consider the equality implications. In particular we have chosen a segmentation model that is based on actuarial assessment, rather than clinical judgment, in order to ensure that it is objectively grounded and not dependent on subjective factors. The proposals are not considered to disadvantage groups on the basis of protected characteristic - directly or indirectly, but if they do we are confident that this is justified because it is a proportionate means of achieving the legitimate ends of protecting the public and reducing reoffending.

We are aware that whilst the aim is to drive improvements in performance on equalities, we need to monitor the impact to ensure that there are no unforeseen detrimental effects. We will continue to improve collection of equalities monitoring data on offenders and broaden the range of outputs, processes and outcomes that are measured and the range of protected characteristics by which they are analysed. This data will be published in future versions of our Equalities Annual Report, and will be used to inform future commissioning activity.

C. Delivery Requirements for 2014-15

Community Service Delivery Requirements 2014-15

The delivery requirements for community services for 2014-15 are set out below. The delivery requirements are grouped under headings from the NOMS Directory of Services.

ID	Outcome(s) Sought ³⁸	Measure	Driver (Objective)
OFFENDER MANAGEMENT			
OM 004	Effective Delivery of the Sentence / Protection of the Public	x% of licence recall requests to reach NOMS Post Release Section within 24 hours of the decision of the Offender Manager	Offender Compliance (Enforcement)
OM 005	Effective Delivery of the Sentence	x% of cases in which initiation of breach proceedings took place within 10 working days of the relevant unacceptable failure to comply	Offender Compliance (Enforcement)
OM 020	Effective Delivery of the Sentence	x% of orders of the Court and Releases from Custody on Licence are successfully completed	Offender Compliance; Influencing Sentences and Sentencing Patterns
OM 026	Protection of the Public	x% of OASys assessments are assessed as either "Satisfactory" or "Good" on the OASys Quality Assurance	Quality and Timeliness of Offender Assessment/Review; Quality and Effectiveness of Sentence Plans
OM 027	Protection of the Public	x% of Indeterminate Sentence Prisoner (IPP and Lifer) assessment reports are completed by target deadline of date set	Quality and Timeliness of Offender Assessment/Review
OM 029	Effective Delivery of the Sentence	x% of offenders surveyed who have engaged positively with the offender management process	Offender Engagement; Rehabilitative factors addressed
OM 039	Effective Delivery of the Sentence	At least x% of OASys final reviews (terminations) are completed or updated within the appropriate timescales for all Tier 2 (where appropriate), Tier 3, Tier 4 offenders and Prolific and Priority Offenders	Quality and Timeliness of Offender Assessment/Review
OM 040	Effective Delivery of the Sentence	x% of Pre-Sentence Reports (PSRs) are completed within timescales set by the court (including Remands In Custody)	Influencing Sentencers and Sentencing Patterns; Quality and Timeliness of Court Reports
OM 041 ³⁹	Protection of the Public	To achieve a rating of level 3 or better for creating appropriate records on ViSOR (OM046) and attendance at both SMB (OM041A) meetings and MAPPA meetings for Level 2 and 3 cases (OM041B)	MAPPA Effectiveness

³⁸ These relate to the five purposes of sentencing as set out by the Criminal Justice Act 2003 <http://sentencingcouncil.judiciary.gov.uk/sentencing/what-sentences-for.htm>

³⁹ Comprised of OM041A, OM041B and OM046.

INTERVENTIONS AND RESTRICTIONS			
OM 017	Reduction of crime / Reform and rehabilitation of offenders	Percentage of offenders in settled and suitable accommodation at the end of their order or licence to be at least x%	Rehabilitative factors addressed
INT 001	Reduction of crime / Reform and rehabilitation of offenders	The number of sex offender programme completions to be at least x	Rehabilitative factors addressed
INT 002	Reduction of crime / Reform and rehabilitation of offenders	The number of domestic violence programme completions to be at least x	Rehabilitative factors addressed
INT 003	Reduction of crime / Reform and rehabilitation of offenders	The number of accredited offending behaviour programme completions (excluding sex offender programmes and domestic violence programmes) to be at least x	Rehabilitative factors addressed
INT 005	Punishment of Offenders / Making of reparation by Offenders to Persons affected by their offences	The number of Community Payback completions to be at least x	Sentence of the court delivered; Payback to communities and victims
INT 008	Reduction of crime / Reform and rehabilitation of offenders	The number of offenders on an order or licence who find and sustain employment to be at least X	Rehabilitative factors addressed
INT 009	Reduction of crime / Reform and rehabilitation of offenders	Percentage of offenders in employment at termination of their order or licence to be at least x%	Rehabilitative factors addressed
BAIL COURT AND VICTIM WORK			
OM 032	Victims are engaged	90% of victims responding to NOMS Victim Survey are satisfied or very satisfied with service received	Victims risk, need and rights addressed

Custodial Service Delivery Requirements 2014-15

The delivery requirements for custodial services for 2014-15 are set out below. The delivery requirements are grouped under headings from the NOMS Directory of Services.

ID	Outcome(s) Sought ⁴⁰	Measure	Driver (Objective)
SECURE AND DECENT CUSTODY			
CU001	Resource Management and Operational Effectiveness	To ensure that x% of prisoners are ready for discharge for court appearance in compliance with the escort contract	Resource Management and Operational Effectiveness
CU003	Protection of the Public	To ensure that the rate of absconds per 100,000 prisoner days in the open estate is less than x%	Delivery of the Sentence of the Court
CU006	Protection of the Public/ Effective Delivery of the Sentence	No Category A escapes	Public Protection
CU007	Protection of the Public / Effective Delivery of the Sentence	The rate of escapes from prison and prison escorts to be no more than x% of the average prison population	Public Protection
CU016	Reduction of Crime/Effective Delivery of the Sentence	The rate of drug misuse in prisons is less than x% as reflected by those testing positive in mandatory drug tests	Offender Management and Interventions
CU031	Resource Management and Operational Effectiveness	To ensure that x% of unified grades have been fully refreshed in Control and Restraint (C& R) basic techniques during the past 12 months	Order and Control
CU056a	Protection of the Public	To achieve a compliance rating of x or better in the annual security audit	Security
CU060	Protection of the Public	To have x% of staff trained and with valid accreditation in Control and Restraint Advanced techniques (Tornado)	Order and Control
CU079	Effective Delivery of the Sentence	To achieve a rating of at least x in the Managing the Quality of Prison Life (MQPL) measure of decency	Decent conditions
OFFENDER MANAGEMENT			
CU002	Protection of the Public	To ensure that x% of prisoners comply with the terms or their release on temporary licence	Quality and Effectiveness of Risk Management
CU043	Protection of the Public	To ensure that x% of completed indeterminate sentence prisoner dossiers are submitted to the Parole Board within 8 weeks of the review commencement date	Delivery of the Sentence of the Court
CU057a	Effective Delivery of the Sentence	To achieve a rating of x or better compliance rate in the Safer Custody Audit	Mental Health (Self Harm)
CU074	Effective Delivery of the Sentence	To achieve a score of less than x when comparing differences in views between Black and Minority Ethnic and Non Black and Minority Ethnic responses to the Managing the Quality of Prison Life survey	Diversity and Equality (Prisoner)
CU075	Effective Delivery of the Sentence	To achieve a rating of x for the HMIP Healthy Prison Test on Respect	Quality of Offender General Treatment/Experience
CU076	Effective Delivery of the Sentence	To achieve a rating of at least x in the Managing the Quality of Prison Life (MQPL) measure of safety	Maintaining Order and Control and Reducing Violence

⁴⁰ These relate to the five purposes of sentencing as set out by the Criminal Justice Act 2003 <http://sentencingcouncil.judiciary.gov.uk/sentencing/what-sentences-for.htm>

CU077	Effective Delivery of the Sentence	To achieve a rating of x for the HMIP Healthy Prison Test on Safety	Availability and Quality of Offender Regime
CU083	Effective Delivery of the Sentence	x% of OASys assessments are assessed as either "Satisfactory" or "Good" on the OASys Quality Assurance	Quality and Timeliness of Offender Assessment / Review; Quality and Effectiveness of Sentence Plans
CU086a	Protection of the Public	x% attendance by the appropriate grade from the prison at each Level 2 and 3 MAPPA meeting and submission of a written MAPPA F return	MAPPA Effectiveness
CU089	Protection of the Public	To achieve a rating of x or better for the sharing of appropriate offender information on ViSOR and attendance at MAPPA meetings for Level 2 and 3 cases	MAPPA Effectiveness
INTERVENTIONS AND RESTRICTIONS			
CU013	Reduction of Crime/Reform and Rehabilitation of Offenders	x% of prisoners will have settled accommodation to go to on release	Rehabilitation factors addressed
CU014	Reduction of Crime/Reform and Rehabilitation of Offenders	To ensure that x% of prisoners enter education or training on discharge	Rehabilitation factors addressed
CU015	Reduction of Crime/Reform and Rehabilitation of Offenders	To ensure that x% of prisoners enter employment on discharge	Rehabilitation factors addressed
CU019	Reduction of Crime/Reform and Rehabilitation of Offenders	To deliver x accredited sex offender treatment programme completions	Rehabilitation factors addressed
CU021	Reduction of Crime/Reform and Rehabilitation of Offenders	To deliver x accredited offending behaviour programme completions	Rehabilitation factors addressed
CU095a	Reduction of Crime/Reform and Rehabilitation of Offenders	To ensure that prisoners work the required number of hours in industry compared to scheduled hours	Rehabilitation factors addressed
REGIMES			
CU067	Reduction of Crime/Reform and Rehabilitation of Offenders	To achieve a rating of x for the HMIP Healthy Prison Test on Resettlement	Rehabilitation factors addressed
CU078	Reform and Rehabilitation of Offenders	To achieve a rating of x for the HMIP Healthy Prison Test on Purposeful Activity	Availability and Quality of Offender Regime
CORPORATE REQUIREMENTS			
CU036	Corporate Compliance	To ensure that x% of public correspondence receives a reply within 20 working days	Corporate
CU040	Corporate Compliance	To achieve the agreed energy consumption targets	Corporate
CU063	Corporate Compliance	To achieve the agreed water consumption targets	Corporate
CU099	Corporate Compliance	To refer x% of foreign national prisoners to Home Office within 10 days of sentence date	Corporate
CU081	Resource Management and Operational Effectiveness	To achieve x score against Prisons Cost Analysis	Value for Money

NOMS **Commissioning Intentions** from 2014

CR003	Resource Management and Operational Effectiveness	Staff sickness does not exceed an average of x days per annum in the public sector	Resource Management
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D. NOMS Commissioning Intentions for 2013-14

Community only, England & Wales		
1)	Community only, England & Wales	Provide sufficient capacity to respond to the demand for community sentences from the courts, by providing community sentences which command the confidence of sentencers and the public.
2)	Community only, England & Wales	Use robust quality assurance processes to ensure effective offender management.
3)	Community only, England & Wales	Protect the public through accurate assessment of offenders and high quality planning and management of risk of serious harm, ensuring that the needs of victims are appropriately addressed.
4)	Community only, England & Wales	Maximise capacity to meet demand for Approved Premises placements (prioritising high and very high risk of serious harm cases). Prioritise and target relevant rehabilitative services to address residents' risks and needs.
5)	Community only, England & Wales	Develop the delivery of Community Payback to meet new requirements on immediacy of start and intensity, to achieve better outcomes from this service.
Community & Custody, England & Wales		
6)	Community & Custody, England & Wales	Deliver evidence-informed, well targeted, interventions and services to reduce reoffending, which focus investment where it will achieve better outcomes.
6a)	<i>Community & Custody, England & Wales</i>	<i>For women offenders, interventions and services to reduce reoffending should be effectively targeted to address factors related to women's reoffending and to enable them to complete their sentences successfully.</i>
6b)	<i>Community & Custody, England & Wales</i>	<i>For sex offenders, interventions and services to reduce reoffending should be proportionate and responsive to both their risk of reoffending and their risk of harm to others.</i>
6c)	<i>Community & Custody, England & Wales</i>	<i>For indeterminate sentence prisoners (ISPs), the completion of interventions remains an important factor in progression and Parole Board decisions on suitability for release. Therefore ISPs should continue to be prioritised for appropriate interventions and services.</i>
6d)	<i>Community & Custody, England & Wales</i>	<i>For offenders convicted of domestic violence offences, the type and intensity of provision should take into account assessment of the risk of intimate partner violence as well as risk of reoffending.</i>
6e)	<i>Community & Custody, England & Wales</i>	<i>For offenders convicted of robbery and other acquisitive offences, shift provision of cognitive skills programmes to other offender groups where it will deliver better outcomes.</i>
7)	Community & Custody, England & Wales	Review delivery where it is outside the minimum requirements set in the NOMS Service Specifications.
8)	Community & Custody, England & Wales	Identify and manage offenders convicted under the Terrorism Acts (TACT), and TACT-related offences, domestic extremist offenders, and those vulnerable to engaging in extremism. Complete specialist assessments (the Extremism Risk Guidance) where appropriate, and provide specialist or other interventions and services, with partners, according to offender risk and need.
9)	Community & Custody, England & Wales	Continue to develop sustainable capacity and capability to deliver effective face to face victim-offender conferencing (Restorative Justice), working with partners.

10)	Community & Custody England & Wales	Ensure effective identification of offenders with learning disabilities and/or difficulties and make reasonable adjustments to ensure services are legal, decent and responsive to need.
11)	Community & Custody England & Wales	Ensure the efficient use of prison places through development and implementation of local bail strategies and use of HDC for appropriate offenders, including making full use of the Bail Accommodation and Support Service (BASS).
Co-commissioning in Community & in Custody, England only		
12)	Co-commissioning in Community & in Custody, England only	Improve shared health and criminal justice outcomes for prisoners and offenders in the community by alignment of local needs assessments, resources and commissioning strategies with the new local commissioners of primary, secondary, mental health and public health including substance misuse services.
13)	Co-commissioning in Community & in Custody, England only	Work together with local authorities to ensure that adult offenders and defendants with social care needs are appropriately assessed and supported to continue to live with decency and as independently as possible while completing their order or sentence.
14)	Co-commissioning in Community & in Custody, England only	Work with local authorities to promote inclusion of, and maximise benefits to, offenders' families.
15)	Co-commissioning in Community & in Custody, England only	Support local liaison and diversion services to ensure that substance misusing offenders, mentally ill offenders and offenders with other vulnerabilities including learning disability are able to access appropriate services at the earliest possible point of contact with the criminal justice system.
16)	Co-commissioning in Community & in Custody, England only	Continue to improve access to the new and existing pathway of services for offenders with personality disorders who present a high risk of serious harm to others (men) and high risk of re-offending (men and women) which are being co-commissioned with NHS Specialised Commissioning Groups, by supporting existing provision and providing additional new service capacity across the system.
17)	Co-commissioning in Community & in Custody, England only	Align services with Offender Learning and Skills Service (OLASS 4) providers in prisons following re-competition of the service and support initiatives to make prisons places of work and strengthen access to mainstream learning services for offenders in the community.
18)	Co-commissioning in Community & in Custody, England only	Strengthen partnership working to ensure that offenders have access to support and services to both prepare for and enable access to employment both in prison and in the community.
Co-commissioning in Community & in Custody, England and Wales		
19)	Co-commissioning in Community & in Custody, England and Wales	Facilitate the ongoing operation of mandating day one entry of prison leavers onto the DWP Work Programme.
Co-commissioning in Community & in Custody, Wales only		
20)	Co-commissioning in Community & in Custody, Wales only	Continue to work with the Welsh Government and its devolved agencies to ensure alignment between offender services directly commissioned by NOMS and the Welsh Government's devolved responsibilities, to maximise outcomes for offenders, their families and local communities.
Custody only, England & Wales		
21)	Custody only, England & Wales	Ensure our use of custodial capacity delivers the most cost-effective configuration of places, meets the MoJ's strategic requirements and the needs of co-commissioning and delivery partners whilst reducing costs.

NOMS **Commissioning Intentions** from 2014

22)	Custody only, England & Wales	Increase the amount of meaningful commercial and economically beneficial work undertaken by prisoners across the whole estate, and develop specialist working prisons where appropriate.
23)	Custody only, England & Wales	Tackle the availability of drugs and mobile phones in prisons.

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