

# Strategic Commissioning Framework for Community Justice

## *Phase 1 consultation input from CJVSF members*

### Introduction

This paper provides CJVSF's response to the following consultation questions, which were asked by Community Justice Scotland to help them to develop a Strategic Commissioning Framework for Community Justice:

#### **Vision**

1. What is your **vision** for Strategic Commissioning in Community Justice?
  - a) What are the key values underpinning success?

#### **Process development**

2. How do you see the ideal strategic commissioning working in practice, at each stage of the cycle?
  - a) 'Analyse'
  - b) 'Plan'
  - c) 'Deliver'
  - d) 'Review'
  - e) ...and informing development and delivery of 'Procurement'?

#### **Implementation**

3. What will effective accountability, leadership, production and management look like – and what needs to be in place?
4. In terms of capability or capacity, what do you need to deliver successful strategic commissioning?

Our response has been informed by:

- A roundtable discussion between CJVSF members and Community Justice Scotland which took place on 4<sup>th</sup> September 2018
- The work of the CJVSF Commissioning Working Group
- Further comments and contributions that have been provided by CJVSF members via e-mail and telephone.

## *Vision*

### **Q1. What is your vision for Strategic Commissioning in Community Justice?**

#### **a) What are the key values underpinning success?**

CJVSF members would like to see a Strategic Commissioning Framework which:

1. Encourages systemic and holistic approaches
2. Promotes embedding of person-centred approaches, with a focus on outcomes
3. Promotes best value and quality
4. Supports provider participation and collaborative working
5. Clarifies roles
6. Promotes embedding of continuous learning
7. Promotes diversity in the market
8. Promotes the use of appropriate timescales

Research by the Nuffield Trust ([Holder, 2013](#))<sup>1</sup> found a number of areas of commissioning support where the voluntary sector offers particular expertise. These included:

- needs-assessments
- business intelligence
- service re-design
- and public and service user engagement.

CJVSF members voiced frustration that the third sector's expertise is not consistently being put to best use at a strategic level in Scotland. The Strategic Commissioning Framework offers an opportunity to set out clear expectations, structures and processes for how and why the third sector should be effectively engaged at each stage of the commissioning cycle and to promote a more collaborative approach to commissioning. Members also highlighted the importance of ensuring the inclusion of the service user voice within each stage.

Further thoughts from CJVSF members on the principles and key values underpinning a successful approach to Strategic Commissioning for Community Justice can be found in the attached working paper<sup>2</sup>.

## *Process development*

### **Q2. How do you see the ideal strategic commissioning working in practice, at each stage of the cycle?**

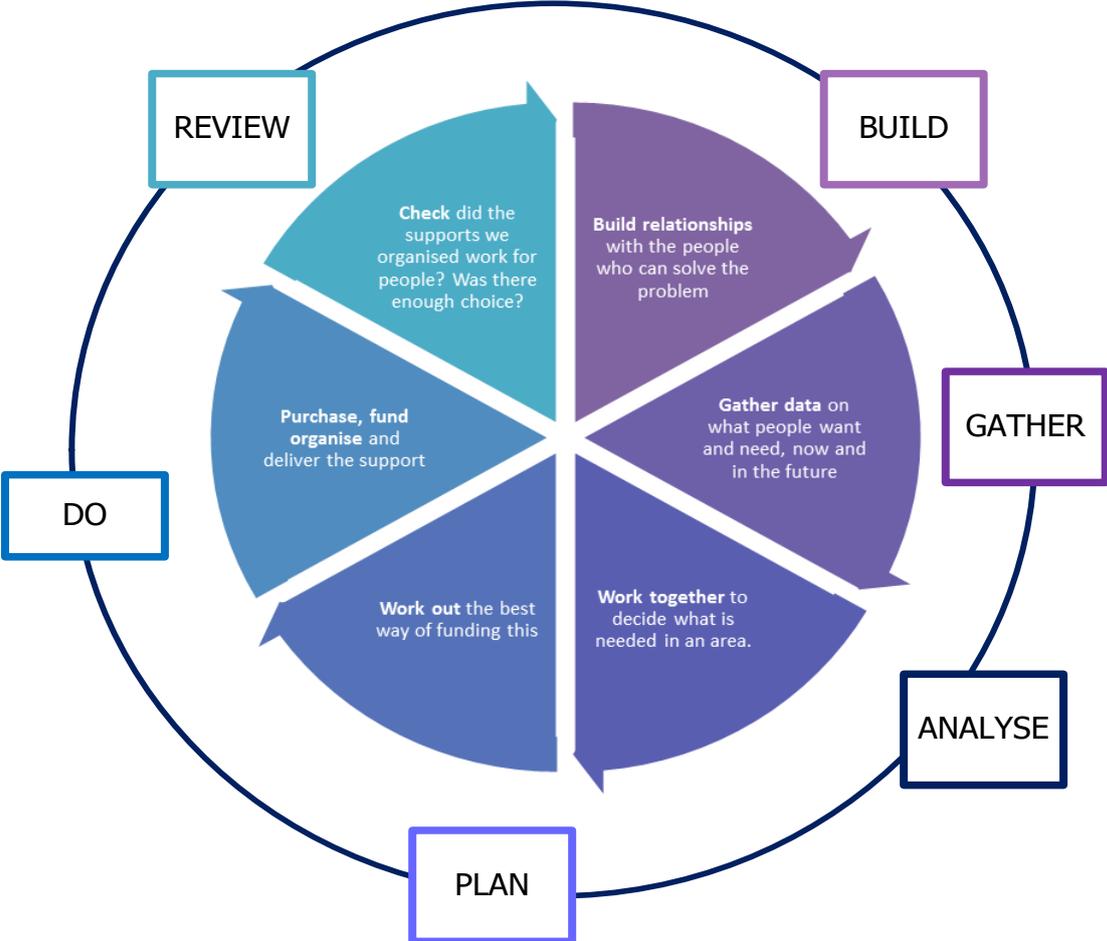
- a) 'Analyse'
- b) 'Plan'
- c) 'Deliver'
- d) 'Review'
- e) ...and informing development and delivery of 'Procurement'?

---

<sup>1</sup> Holder. H (2013) *Role of the Voluntary Sector in Providing Commissioning Support*. Research report, Nuffield Trust. Available at: <https://www.nuffieldtrust.org.uk/files/2017-01/role-of-voluntary-sector-commissioning-support-web-final.pdf>

<sup>2</sup> Criminal Justice Voluntary Sector Forum (2018) *CJVSF Member Views on Strategic Commissioning*.

Below, we consider each of the 4 stages of the cycle mentioned in Question 2. In addition, CJVSF members proposed that this four step model could be amended, to better reflect the need for collaboration and effective partnership working. We would suggest that the following 6 stage cycle may provide a more helpful structure for the national strategic commissioning framework, given the strong desire to build more collaborative relationships:



Source: CCPS

**a) ANALYSE STAGE**

Success needs to be clearly defined and link to the national strategy for community justice. Strategic Commissioning structures and processes should be developed to allow both qualitative and quantitative evidence from different partners to be fed in at each level (local, regional and national) to inform each stage of the commissioning cycle. This should include evidence of:

- Needs/Desired outcomes
- Gaps in provision
- What works to address these needs and meet the desired outcomes
- Quality of service provision
- How well commissioning and procurement processes and structures are working.

It will be important that this evidence is used to create a cross-sector dialogue, with contributions from all relevant stakeholders. This should include creating space for service users to be supported to be able to contribute to commissioning discussions.

Many individual organisations have useful sources of evidence about what works in relation to individual services. The Framework should help to explore ways for bringing together this information to develop a rounder understanding of need across partners.

## **b) PLAN STAGE**

Inclusion of the third sector at the planning phase will also be important within the new Strategic Commissioning Framework. Whilst the relevant legislation and national strategy sets out a clear ambition for the third sector to be involved as an equal partner in community justice discussions and decision making activities, it will not be possible for this to happen if they are not present at relevant discussions. If the third sector are not included in planning discussions, then there is also a risk that planning and resource allocation decisions are taken without critical pieces of evidence and without effective challenge resulting in decision making that does not lead to best value for public money.

Third sector providers also noted that, at present, planning discussions often lead to the development of a service specification for a competitive tender. The competitive tendering model for procurement has been shown to be inefficient and often drives undesirable behaviours and acts as a barrier to collaborative working. CJVSF members would therefore like to see the Strategic Commissioning Framework promoting and encouraging alternatives to competitive tendering and supporting a more collaborative, outcomes based approach to service planning.

Many third sector providers are already making use of outcome-based approaches (e.g. the use of logic models) to develop and improve their own services. CJVSF members raised concerns, however, that a need to focus on outcomes is not also applied consistently to statutory services. They identified an opportunity for the Framework to help address this and to encourage all partners to move towards an outcomes-based approach which clearly links with the national performance framework.

The focus on a single, long term end outcome (e.g. reducing reoffending) was not seen to be as effective as taking a more person-centred approach and working towards improving outcomes for individual service users (which can then be linked to robust international evidence showing what improvements in the long-term outcome are associated with relevant short term changes to outcomes).<sup>3</sup> This would also help to encourage a focus on earlier intervention and preventative activities. A co-productive approach should be taken to developing indicators as it will be important for all stakeholders, including service users and providers, to be involved in agreeing desired outcomes and indicators so that they are fit for purpose.

CJVSF members also identified a number of practical challenges which currently act as a barrier towards collaborative working within planning community justice services and suggested that the Framework could include examples of good practice around addressing these:

- *Improving access to relevant information* – CJVSF often receives queries from third sector providers (and other partners) who are struggling to access a copy of the CJOIP (Community Justice Outcomes and Improvement Plan) for local areas that

---

<sup>3</sup> CJVSF previously undertook a piece of work mapping outcome indicators across multiple services and programmes in order to identify a set of common intermediate outcomes indicators that can be used to help inform performance measures for community justice. A copy of the findings are available on the CJVSF website: [www.ccpscotland.org/cjvsf/resources/cjvsf-briefing-outcomes-issues-principles](http://www.ccpscotland.org/cjvsf/resources/cjvsf-briefing-outcomes-issues-principles)

they are working in. CJVSF has published [links on its website](#)<sup>4</sup> to all CJOIPs that it has been able to find online but it may make more sense for a central access point to be established on Community Justice Scotland's website, with links to plans and performance reports updated annually (where relevant) as and when local areas share their plans with Community Justice Scotland.

- *Improving contact information* – Similarly, CJVSF members have raised concerns previously about difficulty accessing contact details for some Community Justice Coordinators, particularly where there have been staffing changes.

CJVSF members would be keen to see a more strategic approach taken to planning, making use of longer timeframes to agree plans over the medium term. At present, planning in many local areas (and indeed national service planning) takes place on an annual basis. This short term approach to planning creates a number of undesirable consequences, including:

- Providing insufficient time to capture evidence of outcomes for service users
- Creating uncertainty for service users, staff and partners about availability and continuity of services
- An inefficient focus on setting services up and then winding them down, rather than allowing sufficient time for actual delivery.

### **c) DELIVER STAGE**

Building in flexibility to the delivery stage will be critical. At present, the inflexibility of many delivery contracts leads to wasted resources and undermines what could be achieved by third sector partners. The Framework can play a role in addressing this by encouraging partners to work towards more relational contracts, rather than transactional arrangements and a reliance on competitive tendering. This would follow a similar approach to that used by many independent funders and would enable services to develop in response to circumstances and arising needs. CJVSF members noted that there is likely to be useful learning to be gained by speaking to independent funders about the approach they have adopted. Specific tools that may also prove helpful include:

- **Memorandums of Understanding** can offer a constructive approach, encouraging a focus on conversation at the start about desired objectives and allowing for ongoing discussions about how well services are working and how they can be adapted over time to meet emerging needs. This approach also enables learning and relevant contextual information to be shared, in addition to formal reporting which is often focused on quantitative indicators.
- **Balanced Scorecard Approach:** This builds in space for discussions to share information and concerns between partners to review progress and to allow changes to be made.

At present, many contracts do not include provision for covering core costs or service monitoring and reporting costs and this has implications for the sustainability of services and organisations. The Framework should promote the need for transparency around how funding is allocated, appropriateness of governance, what activities are being undertaken and what is being achieved in terms of outcomes.

### **d) REVIEW STAGE**

---

<sup>4</sup> <http://www.ccpscotland.org/cjvsf/hot-topics/community-justice-outcomes-improvement-plans-cjoips/>

The voice of victims, people with convictions and families within the review process will be critical. Clear processes for enabling these views to be included, along with strong feedback loops that show how these views are then used to develop services, will be important for developing trust and ensuring meaningful engagement. The third sector can play an important role here, helping to broker links to service user views.

In addition, it will be important to involve service providers throughout the review process, to understand what is working well and where challenges are arising so that any desired changes can be made in a timely manner.

## **e) INFORMING DEVELOPMENT AND DELIVERY OF PROCUREMENT**

At present, many procurement processes can be inefficient and ineffective. The development of a Strategic Commissioning Framework offers an opportunity to deliver a coherent procurement process which supports the ambitions of the Framework and sets out a more effective approach. CJVSF members would like to see an approach to procurement which:

- Supports and encourages co-production and collaborative working
- Promotes the use of alternatives to competitive tendering
- Recognises and promotes the need for diversity within the market
- Makes use of realistic timescales.

### ***Implementation***

**Q3. What will effective accountability, leadership, production and management look like – and what needs to be in place?**

#### **ACCOUNTABILITY**

There should be clear lines of accountability to service users that shows how local commissioning decisions link to strategic priorities and the need to improve outcomes for individuals, families and communities.

#### **LEADERSHIP**

There needs to be strong leadership around the expectation of collaborative working. CJVSF members would welcome explicit reference within the Framework to the need for third sector provider voices and the voices of individuals and families affected by the community justice system to be included throughout each stage of the commissioning cycle. The Framework should clearly:

- Set out the reasons for why these stakeholders need to be effectively engaged
- challenge current behaviours around a lack of engagement that is present in some areas
- highlight examples of good practice around collaborative working and offer suggestions for well-designed structures and processes which support this.

#### **PRODUCTION**

Experience from the [Strengthening Engagement project](#) has highlighted a need for clear structures to be established and supports to be put in place to ensure appropriate representation and engagement of the third sector and other stakeholders within the process.

## MANAGEMENT

Similarly, effective management will require strong operational design and delivery of arrangements to be in place, with clear structures and realistic timeframes to enable effective engagement.

### **Q4. In terms of capability or capacity, what do you need to deliver successful strategic commissioning?**

In order to be effective, the Framework must consider:

- **Who needs to be involved in commissioning discussions/decision making and what are the most effective routes for engaging with them?** As discussed above, at present, third sector involvement with local community justice partnerships is variable. CJVSF members would be keen to see stronger engagement, with clearer routes for third sector organisations to take an active role in community justice commissioning discussions and activities. In addition to the learning that can be gained from the Strengthening Engagement project<sup>5</sup>, there are also valuable lessons to be learned from England and Wales, looking at the role of the voluntary sector in the Transforming Rehabilitation programme<sup>6</sup>.
- **How we share research and evidence consistently across partners?** - There is a need for a clear structure (and associated processes) to be developed for bringing the evidence base together across the sector.
- **Realistic timescales:** As highlighted above, annual cycles of funding were viewed as inefficient and can create uncertainty and challenges for both staff and service users. Moving to more sustainable funding models, linked to longer term strategic plans would be desirable.
- **Workforce development:**

There is also likely to be useful learning from commissioning activities in other areas (e.g. Alcohol and Drugs Partnerships, Health and Social Care, Children's Services Planning) that could be helpful in developing a national Strategic Commissioning Framework.

---

<sup>5</sup> CJVSF (2018) *Beyond Consultation – Collaboration in Community Justice Toolkit*. Available at: <http://www.ccpscotland.org/cjvsf/resources/setp-resource-beyond-consultation-collaboration-community-justice-toolkit/>

<sup>6</sup> CLINKS (2018) *Under represented, Under pressure, Under resourced: the voluntary sector's role in Transforming Rehabilitation*. Available at: <https://www.clinks.org/resources-reports/under-represented-under-pressure-under-resourced>

**For further information please contact:**

Laura Mulcahy/Chris McCully  
Development Coordinators  
Criminal Justice Voluntary Sector Forum  
[Laura.Mulcahy@ccpscotland.org](mailto:Laura.Mulcahy@ccpscotland.org) /  
[Chris.McCully@ccpscotland.org](mailto:Chris.McCully@ccpscotland.org)  
0131 475 2676

---

**About CJVSF**

The Criminal Justice Voluntary Sector Forum (CJVSF):

- Supports voluntary sector providers to continuously improve their own services through collaboration and sharing of good practice
- Assists voluntary sector providers to understand, navigate and influence the complex and changing environment in which they operate
- Promotes broader awareness of the activities, value and impact of voluntary sector services within criminal and community justice.

The CJVSF is hosted by CCPS (the Coalition of Care and Support Providers in Scotland). Further details about the Forum can be found at: [www.ccpscotland.org/cjvsf](http://www.ccpscotland.org/cjvsf)

CCPS is a company limited by guarantee registered in Scotland No. 279913, registered with the Office of the Scottish Charity Regulator as Charity No.SCO29199. The company's registered office is at Norton Park, 57 Albion Road, Edinburgh. EH7 5QY.