

Academy for Criminal Justice Commissioning

Bulletin No. 1 September 2007

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Julie Taylor

**Director of Commissioning
and Partnerships**

**National Offender
Management Service**

Foreword by Julie Taylor

Director of Commissioning and Partnerships National Offender Management Service

I am delighted to introduce this commissioning bulletin which I hope, in time, will become a significant communication channel for commissioners. The bulletin is one small manifestation of work, going on behind the scenes, to create the Academy for Criminal Justice Commissioning.

A number of other government departments are already using commissioning as a way of driving improvements in public sector delivery, but NOMS is the first to create an Academy to act as a focus for learning and development.

I recognise the real achievements that commissioners have made since the creation of NOMS and I am keen to promote the continuing development of commissioner's skills and experience within the wider context of the commissioning process. This is particularly important as we accelerate the development of commissioning within the emerging organisational structure of the Ministry of Justice.

The Academy will strive to achieve the right balance of outward facing/inward serving – meeting the needs and expectations of all those who are working in the interests of effective criminal justice commissioning. However, whilst the Academy is still more an idea than an institution, I want to invite you all to see the opportunities that exist and contribute your own ideas about how the Academy should develop.

The Editorial by Trevor Williams explains more of the purpose of the Academy and outlines the initial programme of activities.

JULIE TAYLOR



Trevor Williams
NOMS Commissioner in the
East of England

Editorial

Those of us involved in commissioning offender services during the past couple of years have been both pleased with our successes, but mindful of the scope to further develop our knowledge, skills and relationships. The concept of an Academy for Criminal Justice Commissioning is our response.

Our aim in forming the Academy is to create a centre of excellence for criminal justice commissioning and by so doing, having a demonstrative impact on reducing crime, strengthening public safety and improving confidence in our justice system.

Although the initial focus of the Academy will be on those directly involved in commissioning offender services, we fully intend to embrace the needs and expectations of providers and partners.

The Academy will pursue a number of objectives which include:

- Strengthening the reputation of and increasing confidence in criminal justice commissioning
- Identifying and sharing appropriate good practice in public service commissioning
- Promoting personal development amongst criminal justice commissioners
- Becoming a central repository of commissioning knowledge and experience
- Providing an environment of peer support, encouragement and learning
- Sponsoring and promoting relevant research
- Seek to become the gateway for recognised awarding bodies of standards in criminal justice commissioning and related subjects
- Through partnership working with stakeholder bodies strengthening links in criminal justice commissioning, procurement, performance management and evaluation systems.

The initial programme of events and activities will include:

- A programme of evening seminars on relevant subjects across a mix of venues including London and Peterborough
- A regular bulletin, of which this is the first, to include articles of topical interest, seminar writeups, research summaries and forthcoming events
- A sponsored biennial conference, the first scheduled for February 2009
- Co-ordinating study programmes focused on effective offender services, delivered in a commissioned environment
- Promotion or publication of occasional good practice guides
- Job swaps, exchanges and secondment opportunities for staff working in Academy partner organisations
- Promotion and sponsorship of relevant research, including a possible bursary scheme.

That should be enough to be going on with!

We hope to see you at one of the forthcoming events or hear from you with your ideas about how we can take the Academy forward.

TREVOR WILLIAMS

About the bulletin...

Published three times a year, the bulletin will feature:

- a guest editorial spot
- relevant articles relating to research and good practice in public service commissioning
- the programme of future events
- summaries of previous seminars
- useful links to institutions and information relevant to criminal justice commissioning

The bulletin will be electronically distributed through our network of NOMS commissioners, providers and partners. Please cascade it to those we may have missed.

Contributions and feedback are welcomed – if you are interested in submitting comments, relevant information or an article for inclusion in a future edition, please contact us.

Programme of events...

A series of evening seminars is being rolled out from October. These events will provide important context for our work as commissioners and providers, open up networks of contacts and promote the role of the Academy amongst participants from other sectors.

Places at these seminars are limited; please contact the Academy at email:

academy@homeoffice.gsi.gov.uk

If you would like to secure a place.

Forthcoming dates...

11th October @ The Oval (see flyer attached)

‘What does economics add to decision making?’

Kevin Marsh, Managing Consultant, Matrix Research and Consultancy

21st November – venue TBC

‘The winners curse-structuring procurement’

Alistair Dick, Serco Civil Government

13th December – venue TBC

‘Challenging Delivery Models’

Ian Clarke, Ministry of Justice

Getting in touch...

You can email any comments, queries, information or articles for inclusion to:

academy@homeoffice.gsi.gov.uk

Alternatively the postal contact address is:

**Academy for Criminal Justice Commissioning
Unit 2, Forder Way, Hampton, Peterborough, PE7 8GX**

If you would like to speak to someone directly about the Academy for Criminal Justice Commissioning please telephone:

01733 440450 or 01733 425200

Recent Publications relating to Commissioning Public Services

In July 2007, the Audit Commission published a report entitled **'Hearts and Minds: commissioning from the voluntary sector'**. This report, whilst aimed predominantly at local government, has some useful information about the commissioning process where public services are commissioned from the voluntary sector. The report includes a section on 'The Intelligent Commissioner' which, the report contends, is essential in delivering value for money public services.

For this bulletin we have included the Summary, Recommendations and some excerpts from the chapter on Intelligent Commissioning.

For comparison and to acknowledge that the private and independent sectors are also involved within the NOMS commissioning process, we have also included a brief summary of a report produced by the CBI entitled **'Ensuring Fair Play'** which makes some far reaching recommendations if Private, Voluntary and Independent organisations are to compete within a competitively neutral market.

Extract from 'Hearts and Minds'

Summary

- Central government aspires to develop the voluntary sector's role in delivering public services and the voluntary sector's involvement is steadily expanding.
- Government initiatives to strengthen the voluntary sector's ability to deliver public services have had limited success.
- A few, highly effective commissioners adopt intelligent commissioning, rather than offer special treatment, to get the best from the voluntary sector.

- In commissioning intelligently, councils need to ensure that their chosen funding mechanisms help to achieve their objectives and commissioners need to develop a better evidence base to demonstrate value for money.

Recommendations

The report goes on to outline the roles of:

- Local public bodies
- Voluntary organizations
- Regulatory bodies
- Central Government and
- The Audit Commission

The report outlines the characteristics of :

Intelligent Commissioning

Which should:

- Foster effective competition for public services; and
- Ensure that commissioners secure the benefits that voluntary organisations can bring to public service delivery.

The document goes on to list a set of

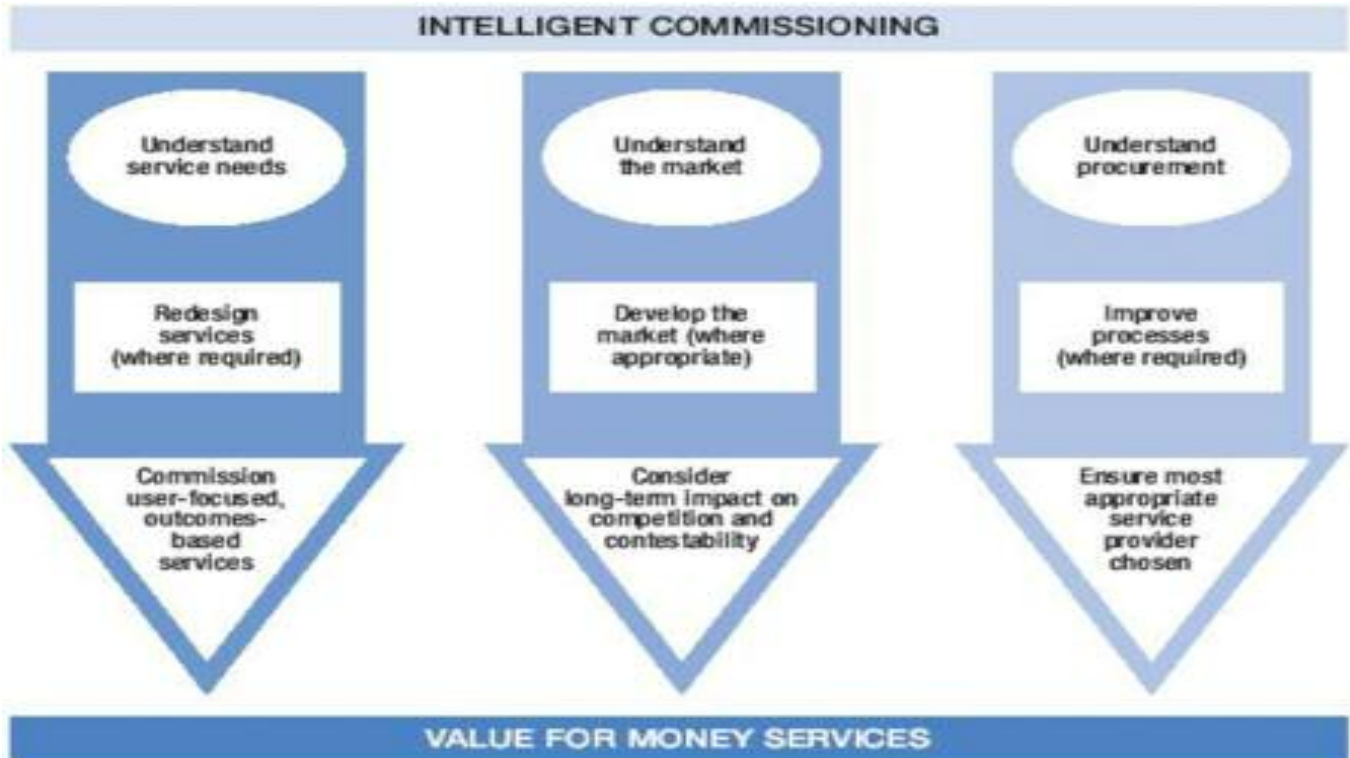
Commissioning principles extracted from:

Partnership in Public Services, Office of the Third Sector, 2006

It describes the elements of intelligent commissioning as:

- a sound understanding of user needs;
- a well-developed understanding and management of markets; and
- good procurement practice, which comprises:
 - the choice of funding approach (grant or contract);
 - the process prior to awarding the grant or contract;
 - the basis for determining price; and
 - post award, the effective management of the working relationship.

And offers the following model to aid thinking about **Intelligent Commissioning**:



Competitive neutrality: Ensuring Fair Play

(a summary of the CBI publication 'A fair field and no favours' CBI, 2006)

Thanks to the CBI for permission to use this text

The CBI's report, published in 2006 and written by Gary Sturgess, Executive Director of the Serco Institute, asks the question of how best to achieve the best and most efficient public services without increasing the pressure on taxpayers. The CBI believes choice and diversity in provision are part of the answer to creating responsive public services. However, public services markets often lack the 'competitive neutrality' they need to be as successful as possible. Competitive neutrality means a fair field for providers from all sectors and helps deliver the best possible outcomes for service users. The full text of the CBI's report can be found at www.cbi.org.uk/publicservices

Diverse provision is the key

Many private, voluntary and independent (PVI) sector organisations are already helping to improve a whole range of services for UK citizens. They bring new skills and approaches to providing world-class public services. They partner with many public sector commissioning bodies, creating efficiencies of scale and more productive ways of working. In some areas, competition between different providers to deliver contracted services is used to stimulate improvements to service outcomes and overall efficiency.

A mixed economy is already a reality in many public services, such as health, education, childcare and prisons. Benefits have already been realised but providers outside the public sector often face an uneven playing field, this can put at risk the whole principle of the mixed economy with ultimately both the consumer and the taxpayer losing out. It is not just the private enterprises that have expressed concern, Stephen Bubb, the chief executive of the Association of Chief Executives of Voluntary Organisations (ACEVO) has said: *“Unfair competition is giving service users a raw deal by limiting the voluntary sector’s contribution to public service delivery”*

A fair mixed economy is one where the best, most innovative and efficient provider should, after all, have the best chance of winning the contract. The answer to this dilemma, suggests the CBI is **competitive neutrality**. This requires a comprehensive policy framework to support this, features of which it is suggested are:

- Fair taxation requirements – to include taxes such as corporation tax and business rates
- A neutral regulatory environment – inspection and monitoring arrangements should be equal as should the consequences of non-compliance
- Avoiding unfair advantage for any class of provider – by separating the purchaser from the provider, an example of good practice being the establishment of the Office for Contracted Prisons

CBI Recommendations from the report include:

The government should set up a review of competitive neutrality and use it to develop a comprehensive policy framework, with particular regard to procurement law, which prioritises the long-term interests of the public service user.

As part of this review:

- The OFT should explore how the scrutiny of public service markets through competition law could be improved
- The government should address the tax and regulation positions different providers face, and seek to improve levels of neutrality – due to its complex nature, a separate review of VAT may be required
- The government should review the rules governing the establishment and management of public sector trading activities – including central government, local government and quasi-public bodies
- Without replacing existing routes, the government should institute a new, less formal complaints process to help identify and resolve market issues earlier

Links to the full documents referred to above are given below:

<http://www.audit-commission.gov.uk/Products/NATIONAL-REPORT/418C38AF-0D97-49dd-95D6-EE7E7BA43773/Workingeffectivelyvoluntarysectorprintfriendly.pdf>

<http://www.cbi.org.uk/pdf/fairfield.pdf>

http://www.cabinetoffice.gov.uk/third_sector/documents/public_service_delivery/psd_action_plan.pdf

Useful links...

Websites for further information:

Commissioning models

- <http://www.serco.com/institute/index.asp>

Commissioning best practice

- <http://www.european-services-strategy.org.uk/outsourcing-library/procurement-and-commissioning-best-practice/>
- http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4092119.pdf

Competition Policy

- <http://www.dti.gov.uk/bbf/competition/index.html>

Pricing regimes & Regulation and Inspection (not found – try following)

- <http://www.nao.org.uk/home.htm>
- <http://www.ogc.gov.uk/>

Better Regulations Commission

- <http://www.brc.gov.uk/>

Better Regulation – Cabinet office

- <http://www.cabinetoffice.gov.uk/regulation/>

Health

- <http://www.dh.gov.uk/en/Policyandguidance/Organisationpolicy/Commissioning/CommissioningapatientledNHS/index.htm>
- <http://www.natpact.nhs.uk/cms/75.php>
- http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_063267

Social Care - children

- http://www.dfes.gov.uk/cpp/sourcing_childfam_01.shtml
- <http://www.everychildmatters.gov.uk/strategy/planningandcommissioning/>

Social Care – adults

- <http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Socialcare/Regulationstandardsandinspection/index.htm>

Relevant training and academic courses relating to commissioning:

The Achieving Business Excellence Programme

This programme has been designed with a range of key stakeholders in the criminal justice environment to provide individuals and organisations with the opportunity to develop the skills for the new commissioning led environment.

The workshops cover a range of subject areas such as: Fundamentals of commissioning, How to be an intelligent commissioner and Effective contract Management.

If you would like further information on the courses please contact:

samantha.latham3@homeoffice.gsi.gov.uk

Or to book a place, contact:

pcptraining@homeoffice.gsi.gov.uk

Relevant academic courses include:

University of Birmingham: The Institute of Local Government Studies:

<http://www.inlogov.bham.ac.uk/>

Oxford Brookes University: Institute of Public Care:

<http://ipc.brookes.ac.uk/>

University of Hertfordshire:

<http://perseus.herts.ac.uk/courses/schs/commissioning-mental-health-services-pgc.cfm>

We hope to have more details of these and other courses in a future issue.

In the next issue due to be published in January 2008...

- Guest Editor, Gary Sturgess, Executive Director of the Serco Institute
- Summary of autumn seminars
- Academy 'membership arrangements'
- 'Academic architecture' for the Academy
- Recent research developments
- Events programme