



Ministry of
JUSTICE

NOMS Third Sector Action Plan

Securing effective partnerships to reduce re-offending
and protect the public 2008-2011

**Response to Consultation carried out by the Ministry of Justice and National
Offender Management Service (NOMS)**

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NOMS Third Sector Action Plan Securing effective partnerships to reduce re-offending and protect the public 2008-2011

Response to consultation carried out by the Ministry of Justice.

This information is also available on the Ministry of Justice website: www.justice.gov.uk

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Introduction and contact details

1. This document is the post-consultation report for the consultation paper, NOMS Third Sector Action Plan.

It will cover:

- **the background to the report**
- **a summary of the responses to the report**
- **a detailed response to the specific questions raised in the report**
- **the next steps following this consultation.**

Further copies of this report and the consultation paper can be obtained by contacting **Mary Hassan** at the address below:

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This report is also available on the Ministry's website: www.justice.gov.uk.

Alternative format versions of this publication are available on request.

Background

The consultation paper

The paper: 'Reducing Re-offending Third Sector Action Plan: Securing effective partnerships to reduce re-offending and protect the public 2008 – 2011' was published on 27th November 2007. The consultation provided an opportunity for third sector partners, partners across government, in the regions/Wales, prison and probation, and in local communities to respond to draft objectives and a series of questions on how NOMS could work more effectively with the third sector.

The consultation document was widely distributed to third sector organisations and partners as well as to the prison service and probation, and NOMS. Also regional consultation events were arranged through CLINKS which took place in York, Wales and London attended by over 200 representatives from both the public and third sectors. This included an event specifically for smaller third sector organisations. A further regional event took place in the East Midlands. Additionally there was a joint Ministry of Justice and NOMS consultation meeting with third sector organisations; a meeting with independent Trust Funders; and a further event focusing on joint commissioning opportunities supported by partners from across Government. In addition to the composite responses from these events we analysed 128 written responses including those from **Volunteers Can – Towards a Volunteering Strategy to Reduce Re-offending**, a consultation undertaken in 2007. At the same time there was consultation on the Ministry of Justice Third Sector Strategy, and this generated another 12 NOMS relevant responses which we have considered alongside responses to our consultations.

The consultation ran at the same time as consultations on the **Reducing Re-offending Strategic Plan**, a consultation on the role of faith based organizations in reducing re-offending **Believing We Can** and the Ministry of Justice/Department of Health's consultation, **Improving Health, Supporting Justice**. Specific events were also held focusing on reducing re-offending, offender health and with faith groups. Separate reports summarizing responses to these consultations will also be published. Responses from these consultations were also considered.

The consultation period closed on 22nd February 2008. This report summarises the responses received, the government response to key issues raised and describes how the consultation will influence future strategy and delivery by the Ministry of Justice and NOMS working with partners. A list of respondents to the consultation is at **Annex B**

Summary of responses

1. The consultation aimed to maximise the contribution made by the third sector to support our fundamental objectives of reducing re-offending and protecting the public. It was advised on by the Voluntary Sector Advisory Group. Annex C provides a list of the group's members. To support the direction of travel to a strengthened third sector delivering and working in partnership to meet NOMS/MoJ objectives, the plan was configured around four areas:
 - **Enabling voice and campaigning**
 - **Strengthening communities**
 - **Transforming public services**
 - **Encouraging social enterprises**
2. Some key messages on working with the third sector were consistent across the third sector and faith consultations:
 - **General support for the principles and aims, with a request to match these to specific and measurable actions.**
 - **Support for effective collaboration between the Ministry of Justice/ NOMS and third sector organisations to understand offender needs and what works; and to design and deliver services in partnership.**
 - **Disappointment and frustration in relation to commissioning opportunities for the third sector to deliver more work with offenders in prison and the community, with a request for clarity on the potential scale and scope of future opportunities.**
 - **Need for clearer information and communication on criminal justice strategy and NOMS policies, priorities and new structures of decision making, governance funding and commissioning.**
 - **Improved and more consistent procurement and contracting**
 - **Need for more information and support on how third sector organisations can engage with key partners at a local level and support the development of Local Area Agreements.**
3. A number of respondents made the point that many third sector organisations work with people who have multiple needs and that their organisational objectives and charitable foundations are usually wider than just a focus on offending. Third sector organisations frequently address crucial issues of social exclusion and community cohesion, and many smaller organisations work specifically with marginalised groups, such as those from BME communities and women offenders who are recognised to need some specialist services.
4. A total of fifty-one written responses to the consultation paper were received. The responses were classified into sectors and are as follows:
 - **33 from Third Sector organisations/Trust Funders**
 - **2 from Probation**
 - **2 from the Prison Service**
 - **12 from others (private citizens, Trade Unions, lobby groups and other government departments)** A full list of contributors can be found at Annex B
5. In addition, over two hundred delegates attended the Clinks-led consultation events held nationally, in York and London, and in Wales. The third sector made up many of the attendees. Also over one hundred delegates attended a variety of events in which responses were considered as part of the consultation. These included an East Midlands Regional event, Joint Commissioning Event, VCS Strategy Consultation event, and a Trust Funders meeting with Helen Edwards.

6. The pattern of consultation responses can not be taken as representative of the views of all the interested parties. The summary of responses only therefore reflects the views of those who responded.
7. The responses were analysed for common themes on a question by question basis. In particular they were analysed for new approaches to working in partnership; learning to date; a consensus on the key challenges and possible solutions to future work in reducing re-offending.
8. A summary of the consultation responses and the Government response to the key issues raised is below. More detailed responses to specific questions can be found at **Annex A**.
9. The consultation responses have informed the paper, 'Working with the Third Sector to Reduce Re-offending 2008-2011.' The responses will help set the direction of the wider Government programme of work to reduce re-offending. The consultation should also be considered alongside the recent public consultation for a Best Value Framework for Probation. Ministry of Justice and NOMS would like to thank all those who took the time to respond to this consultation.

Government Response and Next Steps

Voice and partnership working

10. The responses demonstrated the need for more clarity on how the new NOMS structures were going to work in the future, and in particular how national, regional and more local commissioning would operate.
 11. A number of respondents felt that there could be better mechanisms in place to share good practice on effective engagement between the public and third sectors, good commissioning and procurement, effective services, contract monitoring and research, and achieving simplified and joint commissioning. Regional co-ordination, the development of networks and better use of databases, websites and directories could raise awareness and help progress third sector opportunities and promote its work.
 12. Many respondents raised the key challenge of better engaging the many, diverse and mainly local organisations that work with victims of crime, offenders and their families or have the potential to do so. This is particularly the case with community organisations including many black and minority ethnic, faith-based and women's organisations, many of whom are not part of formal networks and may lack the skills and resources to participate in formal relationships.
- Government Response**
13. The feedback has been used to inform the development of the third sector paper, 'Working with the third sector to reduce re-offending 2008-11.' We are encouraged by the positive response to the direction of travel set out in the consultation paper for working with the third sector. Proposals emerged from the consultation about how 'brokerage', potentially through third sector infrastructure, could provide a gateway for prisons, probation and partners to the wider third sector. We will work with the third sector to identify options, making use of examples where infrastructure and charitable trusts are already playing an intermediary role.
 14. As part of the organisational restructure and review of policy, training and support arrangements for prison and probation. NOMS will revise its operational policy around working with the third sector and provide a resource nationally to assist and guide regional and local managers and commissioners in order to simplify systems of engagement where possible.
 15. New Ministry of Justice strategic funding to Clinks, Action for Prisoners Families and the Development Trusts Association will enable them to better represent their members and a wider group of third sector organisations to Government, NOMS and the range of agencies working with and funding the third sector to reduce re-offending; and ensure organisations are provided with information to enable them to engage effectively. We will also convene an Arts Forum to enable dialogue between Government and support a new independent Reducing Re-offending Arts Alliance.
- Transforming services**
16. A high proportion of respondents expressed frustration at the lack of progress in opening up prison and probation services to a wider supplier base, with a request for clarity on the potential scale and scope of future opportunities. This was coupled with a realistic recognition of the resource pressures facing NOMS, the demands presented by the high prison population and increasing workloads for probation areas.

17. A connected theme reflected a wide held view that there are substantial cultural issues to address if prison and probation are to engage more effectively with the third sector. NOMS managers need to 'think third sector' and examples of good practice should be shared and promoted.
 18. Many respondents raised the importance of **local delivery**. With the increasing importance of Local Area Agreements (LAAs), the role of Local Strategic Partnerships and other local bodies such as Local Criminal Justice Boards and Crime and Disorder Reduction Partnerships, a number of third sector responses highlighted the need and potential for the third sector to join with probation and other local public sector commissioners and providers in both influencing local planning and accessing together potential funding streams.
 19. A number of procurement and contracting issues were identified as requiring improvement, such as moving to longer funding and contracting periods where appropriate, the need for sensible and timely funding decisions, reducing the reporting burden, and simplifying processes, with tendering being more appropriate to the nature and risk of business being contracted.
 20. There was also a widespread 'plea' for the continuation of some grant funding, especially to support community, specialist and emerging services and to encourage the development of currently less well understood social enterprises. Closely related were comments from charitable funders who often 'pump-prime' new and innovative services, but feel there is little opportunity for the most effective schemes to then be 'mainstreamed'. Charitable and trust funders are also looking for more effective regional and local connections with commissioners and public sector providers.
 21. Many respondents also identified the need for effective collaboration to understand 'what works', in designing and delivering services. There were calls to open up the dialogue across the range of funders, commissioners and providers on what works; value 'distance travelled' in relation to offender rehabilitation; address complexity in tracking and demonstrating outcomes; and support the third sector to demonstrate effectiveness and outcomes.
- Government Response**
22. We are grateful for the views and ideas submitted and will feed them into our ongoing work in this area.
 23. A Best Value Framework for Probation has been drafted and is being finalised following a 12 week public consultation launched on 9 April. The Ministry of Justice convened a short term third sector taskforce to look at overcoming barriers to third sector public service delivery, and how the Best Value Framework will be credible, transparent and neutral.
 24. NOMS aim is to increase efficiency and effectiveness and refocus work and resources on achieving agreed priorities and the outcomes needed. NOMS will map all interventions, starting with prison interventions, in order to look strategically at what is currently being delivered. NOMS will also map prison and probation funding and contracting arrangements with third and private sector providers every two years and report on trends. NOMS operational policy and guidance for regional directors, prisons and probation on working with the third sector will include good funding, commissioning and procurement practice.

25. To support joint commissioning the Ministry of Justice's Criminal Justice Group will highlight mechanisms to identify and promote good third sector schemes to the range of funders and commissioners.
26. We appreciate that there is a need to ensure that third sector organisations are fully aware of the changes within the local delivery landscape. NOMS will produce guidance for third sector organisations on how to engage with local authorities in developing and delivering Local Area Agreements.
27. The plea for the continued use of grants expressed in many responses is supported by the views of the Office of the Third Sector and a coalition of organisations (including Clinks, Advice UK, the Community Sector Coalition and the Women's Resource Centre). NOMS will use grant funding alongside commissioning where this better meets outcomes, and will develop guidelines on the appropriate use of grants as part of the wider guidance on working with the third sector.
28. Small and diverse organisations have a key role to play in both engaging and delivering bespoke services to black and minority ethnic and women offenders and ex-offenders. The Ministry of Justice's new investment in national third sector infrastructure includes building capacity in the sector and targeted support for diverse community organisations on commissioning and subcontracting, including through the provision of accessible tools and briefings.
29. We also recognise that there is a need for third sector organisations, particularly smaller community organisations, to develop skills in measuring the outcomes of their work including demonstrating value to funders and commissioners. Ministry of Justice Analytical Services are commissioning a toolkit for providers of offender services on monitoring and demonstrating effectiveness and outcomes.
30. The Ministry's Criminal Justice Group will lead on encouraging income generation in the third sector and promoting understanding of social enterprises and the opportunities for criminal justice service providers and commissioners. Both prisons and probation are already working with social enterprises but the extent of the activity is not known. The Ministry of Justice will work with the Development Trusts Association (DTA), Clinks, the Social Enterprise Coalition and other partners to gather and promote evidence and examples of social enterprises involving offenders on a wider scale; and to host a conference in 2009 to raise awareness and signpost organisations to learning and development opportunities and tools. The Ministry and NOMS will also work to ensure that procurement processes do not unfairly disadvantage social enterprises. The Ministry will convene a working group to bring together officials in the department and in NOMS to join up activity on developing and promoting social enterprise. The Office of the Third Sector is working to link a Social Enterprise Ambassador with each relevant department and the working group will be a useful reference point for the Ambassador.
- Volunteering and Mentoring**
31. Responses from both this consultation and the Volunteers Can (May 2007) consultation were used to formulate ideas and actions for this part of the paper. Many of those responses highlighted the important work that volunteers and mentors carry out throughout the Criminal Justice System. The consultation also highlighted an enthusiasm to increase and improve

the level of volunteering and mentoring occurring both in prison and through probation areas.

32. Some respondents highlighted a confusion around definition and value, varied commitment by the public sector to volunteering, need for evidence on impact, and inconsistent leadership, policy and practice within and across providers and the Criminal Justice System.
33. There is also a need to target under represented groups such as black and minority ethnic people, disabled people and young adults, and to address barriers concerning using ex-offenders as volunteers within prisons.
34. It was clear from the consultation that effective volunteering and mentoring needs effective management and investment but this is variable and there is a lack of dedicated resource within prisons and probation in spite of the involvement of thousands of volunteers. Other key issues are making volunteers aware of risk and improving risk management, and the difficulty of retaining the interest of new volunteers due to the length of time it takes to get Criminal Records Bureau checks through and training undertaken.

Government Response

35. Baroness Neuberger, the Government's Volunteering Champion, has begun her review on volunteering across the Criminal Justice System. The focus of her report is likely to be on identifying how volunteering and mentoring can add value to work across the Criminal Justice System and what actions needs to be taken jointly to promote and enhance the role of volunteering by increasing the number, diversity and quality of volunteers.

36. The review will be enhanced by the setting up of a new Reducing Re-offending Volunteering and Mentoring Network to promote collaboration, identify good practice, help increase diversity, and collate examples and evidence. The Network is supported through Ministry of Justice funding to Clinks: £145,000 a year for three years to support volunteering and mentoring development.

Conclusion and Next Steps

37. Responses to this consultation will support the Ministry of Justice and NOMS clear commitment to work with partners to strengthen third sector involvement in our target to reduce re-offending and achieve safer communities and make us a better partner for the sector.
38. The paper sits beneath the Ministry of Justice's overarching Third Sector Strategy and the Government's programme of work to reduce re-offending.
39. The National Offender Management Service will also use the findings of this consultation to define how it works with the third sector both at a national and regional level. The development of regional (and Wales) Reducing Re-offending Action Plans will set the direction for partnership work to reduce re-offending and will inform work at the local level to deliver against the objectives in Local Area Agreements.

Annex A – List of Respondents

Third Sector Organisations (33)

ACEVO
 Age Concern
 Anne Peaker Centre
 Association of Volunteer Managers
 BSR Grassroots
 Cardigan House
 Charities Evaluation Services
 Citizens Advice
 Clean Break
 Clinks
 Foundation Housing
 Foyer Federation
 Good Vibrations
 Humbercare
 LankellyChase Foundation
 The Learning Journey
 Lincolnshire Action Trust
 Lucy Faithfull Foundation
 NACRO
 The Olive Branch
 Princes Trust
 Prisoners Abroad
 Restorative Justice Consortium
 Safe Ground
 Shannon Trust
 SOVA
 Stepping Stones
 TimeBank
 Together Forensic
 Turning Point
 VONNE
 Womens Resource Centre
 YWCA

Probation (2)

West Yorkshire Probation Board
 London Probation

Prison (2)

North West Area HMPS Office
 HMYOI Rochester

Others (12)

Association of Charitable Funders
 British Humanist Association
 High Sheriff
 NAPO
 NOMS Prison and Probation Sub-group
 Offender Information Services – Ministry of Justice
 Office for National Commissioning – NOMS
 Private Citizen
 Private Citizen JP
 V
 Yorkshire and Humberside VCS Pathway
 Youth Justice Unit – Ministry of Justice/Dept Children, Schools and Families

Feedback from Consultation Events (4)

In partnership with Clinks:

- **York Event (Approx 65 attendees)**
- **Wales Event (77)**
- **London Event (65)**
- **London Event for small and diverse organisations (33)**

We also provided funding to the East Midlands Regional Offenders Manager's Office who commissioned a third sector organisation to co-ordinate a consultation event. (30)

Joint Commissioning Event (56)
 VCS Strategy Consultation Event (21)
 Trust Funder Event (20)

Responses to Ministry of Justice Third Sector Strategy that were NOMS related/ with Implications for the NOMS Third Sector Action Plan

Third Sector (11)

Black Training and Enterprise Group

Church Urban Fund

Clinks

Groundwork UK

NAVCA

NCH

LankellyChase Foundation

Princes Trust

Shaw Trust

Speaking Out/NCVCCO

Turning Point

Private Organisations (1)

SERCO

Annex B – Responses to specific questions

Responses were received from a wide range of third sector organisations. We also received responses from other partners such as a prison and probation. These responses can not be considered to be representative of the views across these sectors. The analysis below only summarises the views expressed by those who responded to the consultation. A quantitative breakdown of different responses to the questions posed has not been possible. The summary does however attempt to provide an accurate picture of both the direction and tone of response received.

Transforming Public Services

Do you believe we have identified the right outcomes? If not, what might you want to see? What are your views about how to achieve the outcomes?

Many respondents were supportive of the issues addressed in this section, and confirmed that the proposed areas for action were generally the right ones. Many of the responses recognised the current resource pressures faced by NOMS.

“There was overwhelming support for the content of the draft action plan. The frustrations came from the gap between the aspiration and the experience of the past three years.” – third sector organisation.

“Prison overcrowding plus the 3% year-on-year budget cuts imposed on prisons plus the continued uncertainty about how NOMS will operate mean that it is actually harder than ever to bring worthwhile projects into prisons.” – third sector organisations.

But there were concerns expressed that the principles and proposals arising from the

consultation needed to be more specific, with objectives that could be monitored and which established clear responsibilities and mechanisms of accountabilities for delivery.

“We believe that the outcomes identified to transform public services are the correct ones although we would like to see the ultimate action plan contain SMART commitments that will allow us to measure progress towards achieving the ultimate aim of an increased role for the third sector in delivering services.” – Large third sector organisation.

Others stressed the need for objectives to fully reflect NOMS commitment to diversity and equalities, with specific references to BME communities and women.

“The numbers of women’s voluntary organisations and BME women’s organisations need to be monitored to check whether the commitment to a diverse provider base is being met. This is important in light of the trend towards the commissioning of generic service providers at the expense of smaller, specialist organisations.” – Third sector organisation focussing on women offenders.

A number of respondents expressed the need for streamlining and simplification in the commissioning and procurement process to ensure that a number of diverse and mixed providers can work closer with NOMS

“We believe an effective, diverse and mixed provider market already exists within the field and that improving opportunities for the third sector needs to be undertaken with care to recognise and retain this diversity.” – Third sector organisation.

Many respondents supported the continued use of grants by NOMS.

“Space should be left, in the new world of commissioning and contestability, for the richness and diversity of the sector to continue to thrive. Grant funding may be needed to ensure this happens and to develop historically underfunded parts of the sector (for example women’s organisations, as recommended in the Corston Report, or organisations working with BME offenders)”- Third Sector organisation

“Grants can be a very important method of ensuring participation by small VCS organisations and can also promote the innovation that the voluntary sector is noted for.” – Third sector organisation.

Voice and Campaigning

Do you believe we have identified the right outcomes? If not, what might you want to see? What are your views about how to achieve the outcomes?

A significant percentage of respondents recognised to need to increase and improve the voice of the third sector – in particular small and diverse organisations – in supporting NOMS in the development of policy and the delivery of services. Many responses outlined proposals on how ‘brokerage’, including potentially through third sector infrastructure, could provide a gateway for NOMS at regional level and for prisons and probation to the diverse range of third sector organisations.

“The Change-up programme provided some very useful learning but one of the key messages was that consortia require resources to facilitate and broker operation and governance. There needs

to be a provision for infrastructure support bodies to act as neutral brokers for consortia activity involving small diverse organisations.” – third sector organisation

“While it is of importance that the voice of the small organisations and their service users is heard it is also the case that many small organisations do not have the skills and resources to make their voice heard effectively. It maybe more appropriate to promote mechanisms through which the smaller organisations can feed into larger organisations with more lobbying capacity.” – third sector organisation

A number of respondents commented on the importance of engaging service users in the development of both policy and services, and in assessing service impact.

“NOMS should aim to develop specific mechanisms which ensure, ‘feedback from service users, communities and providers in order to review the effectiveness of the commissioning process in meeting local needs’ is delivered.” – Voluntary organisation network.

Many respondents welcomed the investment in infrastructure work by the Ministry of Justice. Some responses outlined the importance of the infrastructure work focussing on the needs of small and diverse organisations and ensuring these organisations are enabled to influence the development of policy and in capacity building.

Strengthening Communities

Do you believe we have identified the right outcomes? If not, what might you want to see? What are your views about how to achieve the outcomes?

A high number of respondents addressed this question, many of whom identified a need for a focus on volunteering and mentoring. Many respondents highlighted the need for commissioners and policy makers to recognise that there is a cost involved with volunteering:

“The recruitment training and management of volunteers incurs cost and must be properly resourced.” – Response from consultation event.

“We would welcome an expressed understanding that the use of volunteers should be considered when considering length of contracts. It is clear that volunteers bring added value to work in criminal justice both to beneficiaries and to the community at large.” – Third Sector Organisation

A number of responses requested the introduction of accredited training and the use of standards for volunteering.

“My view concerning becoming more strategic in volunteer development is that it is important when training volunteers to use an accredited programme.” – Third sector organisation.

“The Volunteering Strategy was welcomed and work with specialist organisations to develop quality standards in delivering mentoring and volunteering needs to be taken forward.” – Response from consultation event.

**Consultation Co-ordinator
contact details**

If you have any complaints or comments about the consultation process rather than about the topic covered by this paper, you should contact Gabrielle Kann, Ministry of Justice Consultation Co-ordinator, on 020 7210 1326, or email her at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

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If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 3.

The consultation criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.

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