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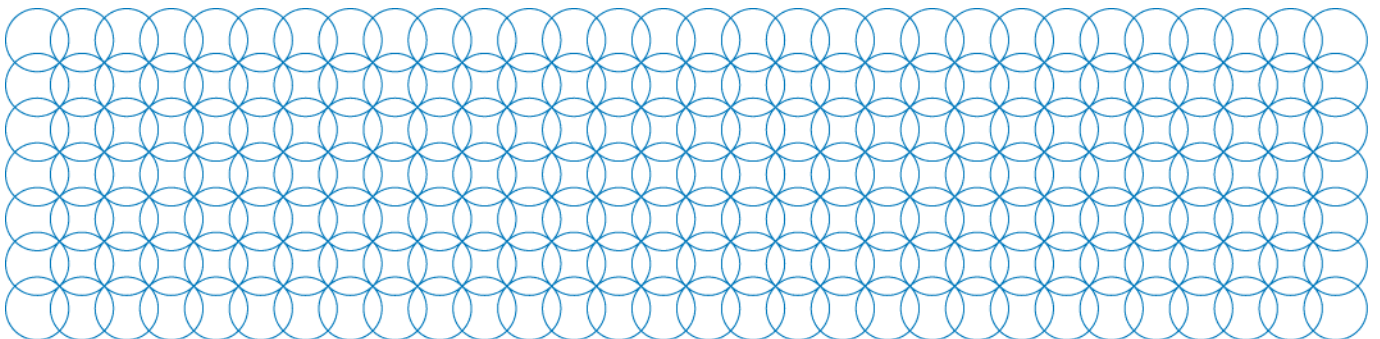
Third Sector Strategy

Improving policies and securing better
public services through effective
partnerships

Consultation Paper [CP 33/07]

Published on 20 December 2007

This consultation will end on 20 March 2008





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JUSTICE

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Improving policies and securing better public services
through effective partnerships

**A consultation produced by the Ministry of Justice. This information is also available
on the Ministry of Justice website: www.justice.gov.uk**

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FOREWORD

The Ministry of Justice came into existence on 9 May 2007. It brings together the former Department for Constitutional Affairs and the National Offender Management Service, including prisons and probation, and is the host department for the Office of Criminal Justice Reform.

The department provides the opportunity for the whole justice system to work together better than ever before. We are a national delivery department that touches on every area of people's lives; through the work of the courts, tribunals, prisons and probation services; through enabling access to justice; through promoting and upholding people's fundamental rights and responsibilities in the justice system and safeguarding and modernising our constitution.

We want to support a vigorous democracy and to develop a culture of rights and responsibilities. We are charged to deliver effective and efficient justice, to protect the public and reduce re-offending and to help people avoid and resolve civil and family disputes.

An independent and diverse third sector already helps the department to realise our ambitions, often with volunteers, but we believe that the sector's contribution can be enhanced to inform policy development and enable the design and delivery of quality services. I value the sector's role as an advocate and campaigner giving voice to individuals and groups, as a supporter to strengthening communities and transforming public services, and, as leaders in the development of social enterprises where the social values brought by the sector can make such a critical difference. The third sector can form trusted links between the statutory services and those who need them, bringing a history of social justice and tackling inequalities.

We intend to build on existing strengths and do more to improve the way we work with the third sector. Through working in partnership we will support the Government's intention to develop an environment which enables the third sector to thrive and grow its contribution to Britain's society, economy and environment.

This consultation paper sets out how we plan to make the Ministry of Justice better at engaging with the third sector and it will lead to a final strategy, to be published in April 2008. Your voice in this is important, and we need to hear your views on how we can build effective partnerships to achieve our common goals.



BRIDGET PRENTICE.

Parliamentary Under Secretary of State, Ministry of Justice

Basic information regarding this consultation

To:	Colleagues from the third sector who engage, or wish to, with Ministry of Justice business; relevant policy leads; other relevant partners.
Closing date:	20 March 2008
Enquiries to:	Please see end of chapter 1, which sets out Ministry of Justice contact points relevant to the various Ministry business areas.
How to respond:	Please send responses to: thirdsector@justice.gsi.gov.uk 3 rd Floor, Selborne House, 54-60 Victoria Street, London, SW1E 6QW
Additional ways to feed in your views:	Consultation via representative bodies, stakeholder meetings, with Ministry of Justice policy leads as key co-ordinators. Alternative format versions of this publication can be requested from policy leads.
Post-consultation response:	The Ministry of Justice will publish a response to this consultation exercise on its website (www.justice.gov.uk) and publish a Ministry of Justice Third Sector Strategy in April 2008.

This paper sets out for consultation the Ministry of Justice Third Sector Strategy to enhance the contribution of the sector to our work. The strategy does not mark a change in policy, but focuses on the implementation of existing Government policies. The consultation is aimed at Third Sector organisations in England and Wales, and is being conducted in line with the Code of Practice on Consultation issued by the Cabinet Office and falls within the scope of the Code. The consultation criteria, which are set out at the end of this document have been followed.

Each chapter ends with questions on our priorities which respondents are asked to address.

An initial Impact Assessment has been completed and does not indicate that the proposals are likely to lead to additional costs or savings for businesses, charities or the voluntary sector, or the public sector. Consequently, this paper, which does not represent policy changes, does not contain an Impact Assessment. If you disagree with this conclusion you are invited to send your reasons as part of your overall response to this paper. This strategy will form the basis of subsequent and more detailed work when it is expected that specific implications for Ministry of Justice business areas and third sector partners will be examined in greater detail.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

About you

Please identify yourself when responding, by name and organisation and contact details. If you are using this document as the response mechanism, please complete the details below (and all question boxes in the document will expand to contain your text).

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	
Which Ministry of Justice business area(s) are you involved with?	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

1. INTRODUCTION

- 1.1 This is a consultation document to enable the Ministry of Justice to finalise its Third Sector Strategy for England and Wales¹ that will underpin how relationships will be taken forward between the various business areas that are overseen, managed or sponsored by the Ministry and its partners. Therefore this strategy does not give all the answers, and nor should it – it will be the basis for further and more detailed work. Improved and cost effective services will be at the heart of our efforts, and although this strategy is aimed at the third sector its consequences must be taken forward within an appreciation of the need for the Ministry to maintain competitive neutrality.

What does this strategy seek to achieve?

- 1.2 Third sector organisations have a critical role to play across all the business of the Ministry of Justice. The Ministry includes the delivery of court services, legal aid, services for victims and witnesses, specialist support for particularly vulnerable or intimidated victims and those that have suffered particularly violent crime such as domestic violence. We also want to re-engage people with the democratic process and improve the public's understanding of the justice system. This gives us a very wide remit, and already the third sector makes a significant contribution to our work and ambitions.

The Government defines the third sector as non-governmental organisations that are value driven and which principally reinvest their surpluses to further social, environmental or cultural objectives². There is a wide variety of organisations that make up the third sector, categorised most simply as: voluntary and community organisations (VCOs); social enterprises; and, co-operatives and mutuals.

- 1.3 However, we can and need to do more to develop our engagement with the sector with a view to enhancing the contribution of the sector to our work. The Government sees a thriving and diverse third sector at the heart of a successful modern democracy and the sector and the state working together at all levels and as equal partners to bring about real change. This places obligations on Government and its departments to be good, listening and responsive partners. Our strategy is built around four drivers that form the main chapter headings in this consultation document:

- Enabling voice and campaigning.
- Strengthening communities.
- Transforming public services.
- Encouraging social enterprise.

¹ We will seek to establish the best and most appropriate consultation mechanisms that take full account of the various constitutional arrangements.

² The future role of the third sector in social and economic regeneration: final report. HM Treasury / Cabinet Office. July 2007.

- 1.4 These four common goals for the future should help to support the overall conditions for a thriving third sector. This is consistent with the mission of the Commission for the Compact³.

“...through the Compact and by other means, to promote respectful and effective partnerships between government, the rest of the public sector and third sector that lead to benefit for people and communities through excellent policies, programmes and services.”⁴

- 1.5 Our strategy will help the Ministry meet specific recommendations to⁵:

- Recognise and respect the independence of the third sector and the right for third sector organisations to campaign whether or not they are under contract to deliver services. Funding and contracting agreements should not act as a barrier to campaigning activity. We must ensure that we keep separate the legitimate campaigning voice of third sector organisations and any commissioning and commercial activities.
- Take active steps to involve the views of a diverse range of voices within the third sector as an integral part of the policy making process, with consideration of providing strategic longer-term funding to third sector organisations to facilitate this.
- Continue to drive improvements in funding and procurement practices overall, including the timing of payments, monitoring requirements and in the recovery of appropriate management and overhead costs, as set out in HM Treasury guidance.
- Examine the contribution of volunteers to the direct delivery of public services and to wider public policy goals and continue to build on existing investments in that activity.
- Act as an exemplar in employee volunteering and community engagement.
- Consider the contribution of social enterprise models and other third sector organisations to the design and delivery of public services and the delivery of strategic objectives.
- Continue to work towards best practice in relations with the third sector, as set out in the Compact.

Background

- 1.6 The Ministry of Justice's Departmental Strategic Objectives (DSOs) set out what we are committed to deliver over the period 2008 - 2011. These are to:

- Support a vigorous democracy in which everyone can influence decisions which affect their lives.
- Support the efficient and effective delivery of justice.
- Help to protect the public and reduce re-offending.
- Work to create a culture of rights and responsibilities so both can be delivered effectively.
- Help to avoid and resolve civil and family disputes.

³ The Compact does not apply in Wales, where the Welsh Assembly and the LSC have developed a Community Legal Services Strategy.

⁴ Commission for the Compact. Business Plan; Summary 2007 / 2008. April 2007.

⁵ Letter to Amanda Finlay, from HM Treasury. June 2007.

1.7 The Ministry oversees a number of delivery organisations within a variety of constitutional arrangements, such as:

- direct management (e.g. probation services, pending the transition of probation boards to trusts, commencing April 2008).
- management through agency status (e.g. HM Prison Service).
- management through the NDPB mechanism (e.g. Legal Services Commission).
- management through strategic partnerships (e.g. Local Criminal Justice Boards).
- direct commercial contracts with the third and private sectors (e.g. private prisons).

It also works in partnerships to deliver services such as community justice, through grants to deliver services such as support to victims and, of course, manages one of the largest volunteer services with probably one of the longest volunteering histories, the magistracy.

1.8 These business areas within the Ministry are at different stages of development in their relationships with the third sector, have potentially different needs and futures. Whatever the differences and variability the strategy must bind together different action and priorities within the business areas. Therefore, this strategy is the overarching framework within which policy leads develop more specific work relative to their responsibilities. The strategy sets the direction, confirms the principles, and reminds of existing agreements and understandings as the anchor for more detailed subsequent discussions and actions, also to be consulted upon, especially with the third sector.

Underpinning principles

1.9 Our strategy does not start from scratch, but builds on considerable previous work. The final report of the 'Review into the future role of the third sector in social and economic regeneration'⁶ sets out the Government vision for partnership to improve public services. As well as delivering services, third sector organisations can be a catalyst and campaigner for change, inform policy development, bring in resources including volunteers, drive innovation, and help to design services.

1.10 And, our strategy must support our shared diversity and equality commitments and obligations that are so often championed by the third sector.

1.11 The 'Partnership in Public Services, an action plan for third sector involvement'⁷ provides the foundation upon which the Government will continue to build in order to transform public services through more effective working. The plan focuses on improving the day-to-day experience of third sector organisations working with front-line commissioners and procurement officers. It sets out 18 key actions to improve four different elements of Government's engagement with the sector:

⁶ The future role of the third sector in social and economic regeneration: final report. HM Treasury/Cabinet Office. July 2007 which will later be referred to as the Third Sector Review.

⁷ Cabinet Office / Office of the Third Sector. December 2006.

- Commissioning – the cycle of assessing the needs of people in an area, designing, securing an appropriate service and monitoring delivery.
- Procurement – the specific aspects of the commissioning cycle that focus on the processes of buying services, through initial market identification and development to advertising and making appropriate contract arrangements.
- Learning from the third sector – ensuring that the innovation of the sector is fostered and learning is shared.
- Accountability – the key role that the sector can play in helping people to hold public services to account for the approach they take to delivery.

1.12 In recognition of the increasingly business-like nature of the relationship between Government and the sector, with the critical trading relationship being between the sector and commissioners, considerable emphasis is placed on improving commissioning and associated commercial activities.

1.13 In relation to commissioning this translates into improving commissioner skills, aligning departmental and other commissioning frameworks, supporting and driving forward the Compact principles and commitment to eight Government commissioning principles.

The Government believes that all commissioners of services should:

- Develop an understanding of the needs of users and communities by ensuring that, alongside other consultees, they engage with third sector organisations as advocates to access their specialist knowledge.
- Consult potential provider organisations, including those from the third sector and local experts, well in advance of commissioning new services, working with them to set priority outcomes for that service.
- Put outcomes for users at the heart of the strategic planning process.
- Map the fullest practicable range of providers with a view to understanding the contribution they could make to delivering those outcomes.
- Consider investing in the capacity of the provider base, particularly those working with hard-to reach groups.
- Ensure contracting processes are transparent and fair, facilitating the involvement of the broadest range of suppliers, including considering subcontracting and consortia-building where appropriate.
- Seek to ensure longer-term contracts and risk sharing wherever appropriate as ways of achieving efficiency and effectiveness; and,
- Seek feedback from service users, communities and providers in order to review the effectiveness of the commissioning process in meeting local needs.

The eight commissioning principles.

1.14 Commercial activity will be improved through work to simplify and standardise contracts, measuring and reducing administrative burdens of contracts with the sector, moving to multi-year funding so that three-year funding becomes the norm and driving forward progress across Government in implementing full cost recovery. These improvements are aimed at the common problems

identified by the NAO Report⁸. In addition, assurance processes must be streamlined, and small organisations will benefit from better sub-contracting arrangements and consortia building, and social clauses should be promoted in appropriate contracts.

- 1.15 As stated previously, this strategy does not give all the answers. This strategy is the overarching framework for policy leads and third sector colleagues to develop more specific actions relative to their responsibilities.
- 1.16 We already have an example of one such a development, in this case a more specific action plan. The National Offender Management Service (NOMS) Third Sector Action Plan has a focus on developing effective partnerships to reduce re-offending and protect the public by prison and probation services. It was launched for consultation on 27 November, very much as an element of the Ministry's wider third sector strategy. Preliminary consultation on the approach to setting out the consultation Action Plan was well supported by colleagues from the third sector.
- 1.17 The Ministry of Justice Third Sector Strategy requires, as a consequence, the Ministry's actions to have clear 'milestones of progress' against which ambitions are assessed and through which all parties can be challenged. In recognition of our newly created Ministry, a proposal therefore is:

The Ministry should set up a Third Sector Forum/Advisory Group/Partnership Board that draws together key third sector representatives from the various Ministry of Justice business areas and relevant officials, jointly chaired by the Ministry of Justice third sector champion and the third sector to meet bi-annually to review progress and identify future planning requirements. Where possible the meeting will be attended by the relevant Minister.

- 1.18 Finally, the Ministry is not operating in isolation as it develops this strategy and subsequent actions. We will work very closely with the Office of the Third Sector that is leading on a number of initiatives and holds the ring in the development of supporting strategies and actions.

What can you do to help?

- 1.19 The Ministry of Justice would appreciate comments and answers to the specific questions set out in this document. Ideally responses will have as their focus making improvements for the future, building on what has and has not worked in the past. In this document we also give some examples of how the sector and the Ministry are already working together. It needs to be noted that such examples often demonstrate a number of features, crossing over the four chapter headings.
- 1.20 Comments should be sent to thirdsector@justice.gsi.gov.uk by 20 March 2008. Relevant policy colleagues will be kept informed and they will undertake any necessary discussions/actions during the consultation period. As well as

⁸ Working with the Third Sector. NAO, June 2005.

welcoming comments, during the consultation period we intend to host several consensus building workshops to foster a fuller dialogue about our shared ambitions.

1.21 If you have specific questions about this consultation please contact relevant policy leads as set out below:

Name	Business Area	Email address (if not on global address list)
Baljit Wirk	Legal Aid	Baljit.Wirk@justice.gsi.gov.uk
Heidi Bancroft	Legal Aid	Heid.Bancroft@justice.gsi.gov.uk
Carol Buckland	NOMS	Carol.Buckland3@justice.gsi.gov.uk
Dinendra Haria	Democratic engagement	Dinendra.haria@justice.gsi.gov.uk
Simon Parsons	Magistrates	Simon.parsons@justice.gsi.gov.uk
Terry Hunter	Domestic Violence	Terry.Hunter@justice.gsi.gov.uk
Simon Madden	Civil Justice	Simon.Madden@justice.gsi.gov.uk
Atul Sharda	Public Legal Education	Atul.sharda@justice.gsi.gov.uk
Mark McMahon	OCJR/Victims and witnesses	Mark.mcmahon@cjs.gsi.gov.uk / andrea.dias@cjs.gsi.gov.uk
Sarah Rose	Community Justice	Sarah.Rose@justice.gsi.gov.uk
Danielle Hudson	Prisons	Danielle.hudson@hmpps.gsi.gov.uk
Joe Murphy	Youth Justice	Joseph.Murphy2@justice.gsi.gov.uk

1.22 Question 1

Do you agree with the overall approach, and in particular setting an overarching Ministry of Justice Third Sector Strategy as the basis for more business specific planning?	Yes
	No – and if no please say why:
Do you have suggestions on how you can help with our approach?	

2. VOICE AND CAMPAIGNING – enabling individuals’ and groups’ voices to be heard

- 2.1 The Government recognises the role of the third sector in representing the voices of different groups and in campaigning to achieve change for individuals and communities. The Government sets out a number of actions in the ‘third sector review’, to promote those campaigning voices in support of civic renewal. This is a role particularly important for groups that may feel marginalised in decision making, as a result of disadvantage or discrimination. But, the sector is not a homogeneous group – it represents diverse, and sometimes contradictory interests. Our ambitions need to capitalise on this diversity, but recognise that not all views might find their place in subsequent policies or actions.

The Ministry of Justice ambition

- 2.2 We want to empower communities, victims and witnesses, users of the justice system and associated services, citizens more widely and third sector providers of services to help us shape services at national and more local levels. The third sector often understands local communities and their needs and we want to harness that knowledge more fully to help shape services. We want to draw on its expertise in developing policies, especially where we need to reach vulnerable groups and communities more effectively. It is legitimate for those who might compete to work in partnership with commissioners to help to design services.

What might success look like?

- 2.3 Although levels of consultation have generally increased, more needs to be done to ensure that there is clarity as to the action that is taken as a result. The Code of Practice on Consultation is now subject to review⁹, pending which departments are expected to be more innovative to ensure that policy makers reach out to some of the more marginalised groups in the sector, including faith and equalities groups.
- 2.4 So, the challenge is to ensure that consultation and giving a voice makes a difference. Therefore success would include at least four criteria:
- Third sector representatives, and users of the justice system, are more included in policy making and service shaping and design at national and more local levels.
 - Services are designed and delivered that meet our diversity and equality commitments.
 - Third sector providers meet their own diversity standards and policies.
 - Service users/receivers are more confident that services are responding to their needs.

⁹ Effective consultation, asking the right questions, asking the right people, listening to the answers. Cabinet Office, June 2007.

Examples of what the Ministry and the sector are already achieving

- 2.5 A number of examples show what the sector and the Ministry are already achieving by working together.

The Office of Criminal Justice Reform (OCJR) is producing guidance to help Local Criminal Justice Boards and their third sector partners identify measures in the Local Area Agreement indicator set that, if prioritised, could be expected to have a knock-on impact on outcomes for organisations and users of the criminal justice system (CJS). The guidance sets out suggested arguments for CJS organisations to use when influencing local discussions over LAAs.

The Legal Services Commission (LSC) is providing a two year (2006 - 2008) grant to the Advice Services Alliance (ASA), the umbrella organisation for all independent advice services and networks in the UK. This grant funds two areas of work: a) policy work, including consultation, co-ordination and policy guidance, particularly with regards to the Unified Contract, quality of advice and the CLS Strategy; and b) a Community Legal Service Support project, offering consultancy, information, training and other support services to advice organisations applying for or operating contracts with the LSC.

The Victims Advisory Panel (VAP) is a statutory advisory Non-Departmental Public Body which was established in March 2003 to enable victims of crime to have their say both in the reform of the criminal justice system and in developments in services for victims of crime. The current VAP has been in place since July 2006 and its three year tenure expires during July 2009. The terms of reference for the Panel are to advise the Home Secretary, Lord Chancellor and Secretary of State for Justice and the Attorney General (or their representatives), and through them other Cabinet Ministers, of the views of victims of crime with particular reference to their interaction with the criminal justice system and its agencies.

The Domestic Violence Unit has committed £3m this year towards existing and new Independent Domestic Violence Advisers (IDVAs) services supporting the Specialist Domestic Violence Courts (SDVCs). As part of this year's review and funding exercise, we also responded to local requests. For example, we have supplied a single fund for IDVA services to the London Criminal Justice Board led by the DV Co-ordinating Group (which includes representatives from the Office of the Mayor of London) who are working on a single pan-London approach to the provision of service. **This is also a good example of how giving voice enables service transformation.**

NOMS set up the **Faith and Voluntary Sector Alliance** to support delivery of national and regional plans to reduce re-offending by better informing, consulting and involving local faith based organisations, faith communities and the wider third sector working with offenders. NOMS wants to learn from the good practice that exists across England and Wales and to ensure the unique contribution that faith based organisations bring to work to reduce re-offending and protect the public is integrated and realised. To this end NOMS is to issue a consultation document, 'Believing we can', later this year to seek views about the barriers faced by faith based organisations and the solutions to better inform, consult and involve that part of the sector in work to support offender management; and to ensure a focus on diversity.

HM Prison Service has set up a Race Advisory Group - an independent national group that acts as a critical friend, supporting and challenging our work. Membership consists of representatives of key voluntary and community sector partners, particularly from organisations that exist to meet the needs of Black and Minority Ethnic groups and

Gypsies and Travellers, as well as interested individuals. The group was recently reconstituted to ensure representation from a broad range of groups and individuals, with recruitment through advertisement and open competition at an assessment centre.

Question 2

2.6 To be successful this means that our more specific business related discussions need to address the following priorities:

- Ensure sector and user involvement in shaping policies and services to include groups who might normally be marginalised, with a special focus on achieving diversity and equality.
- Empowering the voice of the third sector to help influence service delivery and practices.
- Improve communication between policy leads, commissioners and the sector.
- Clear separation between inclusion in service design by the third sector and any subsequent service commissioning when third sector organisations might be in competition.

<u>Voice and campaigning</u>	
Do you agree that our priorities for further work will support our ambitions?	Yes
	No – and if no please say why:
Do you have suggestions on how we can best deliver our priorities and achieve our ambitions? Can you provide examples of best practice?	

3. STRENGTHENING COMMUNITIES

- 3.1 The Government recognises the role of the third sector in bringing people together and providing essential local services. The Government sets out a number of actions in the 'third sector review', to promote the key contribution that third sector organisations can make. In meeting the challenge of creating stronger communities the roles of the Welsh Assembly Government, Local Government and Local Strategic Partnerships (LSP) are critical.

The Ministry of Justice ambition

- 3.2 Community organisations can help meet the needs of individuals and empower them to deal with common concerns to build community cohesion. Through the delivery mechanisms of the Ministry we want to tap into the social capital that may be available through mentoring and volunteering. Investment may be needed for recruitment, training and the management of volunteers. Also, there may be barriers to participation at individual levels. Some simple and accessible grant funding may be needed, alongside increased opportunities for contracting coupled with community capacity building, providing the practical support needed for people to tackle local problems.

What might success look like?

- 3.3 Success could include:
- Representation of relevant third sector organisations on Local Strategic Partnerships to influence Local Area Agreements and to work with the Welsh Assembly Government.
 - Increased partnership and consortia working.
 - Increased inclusion of disengaged young people and families, faith and minority groups into the mainstream.
 - Increased volunteering and use of mentoring to help the Ministry achieve its objectives.
 - Increased use of social clauses in contracts.

Examples of what the Ministry and the sector are already achieving

- 3.4 A number of examples show what the sector and the Ministry are already achieving by working together.

The Devon and Cornwall Criminal Justice Board is in partnership with the Prison Advice and Care Trust (PACT) to provide professionally managed community advice desks (CASS) in the Plymouth and Bodmin Magistrates' courts, staffed by local volunteers, to connect defendants and their families into community resources. This venture is targeted particularly at those defendants who have a range of needs but are low risk offenders. The desk also offers advice to prisoners' families and partners on the day of a custodial sentence being made, with follow up. The Plymouth scheme also provides mentoring to those sign posted to services ensuring that vital links between offenders and agencies are maximised.

The LSC operates a pilot funding 22 money advice outreach projects, most of which are delivered by third sector organisations. They are designed to offer money advice, encompassing both debt and welfare benefits. The projects aim to help people who would not otherwise have accessed advice and are targeting the hardest-to-reach financially excluded groups. The projects are operating in over 100 outreach settings, including SureStart centres, extended schools and other community-based settings, and are working in partnership with a range of agencies and organisations such as drugs rehabilitation programmes, Housing Associations and Credit Unions. The pilot is testing different outreach venues and the learning from it will be used to improve mainstream services.

The Ministry is working with the national charity, Victim Support, to rollout an enhanced service business model that will improve the way they provide services to victims of crime and encourage local partnerships between voluntary organisations. This partnership work and funding was successfully piloted in 3 areas last year. The national rollout will not only mean that Victim Support is better equipped to meet the specific needs of victims but also has the processes and partnerships in place to quickly and effectively refer victims on to specialist support organisations and services.

The Ministry works in partnership with the Home Office and the Third Sector organisation Eaves Housing for Women to support women trafficked into the UK for the purposes of sexual exploitation. The Government has funded Eaves Housing for Women to run the Poppy project since 2003 to work with a range of national and local statutory and third sector partners to provide these particularly vulnerable victims with comprehensive support. The project also plays a significant role in raising awareness of the realities of trafficking in the wider public and amongst front-line professionals.

The help desk at **Camberwell Magistrates' Court** consists of a team leader and a group of volunteers. The help desk is usually situated in the waiting area of the court. They generally assist in all areas such as: explaining orders to court users, supporting family and friends of offenders in receipt of a custodial sentence and explaining to them the relevant procedures and next steps, provide assistance with those in receipt of fines (i.e. taking them to section in court where fines are paid). Their main feature is 'sign posting' (referral system). They pro-actively refer court users to other agencies whom can offer assistance to their particular issue. They keep records of all referrals made. They also provide onward assistance/advice to the agencies they refer people to where necessary.

The Roehampton Partnership plays a key role in working to find out what the priorities are for improvement in the Roehampton area. The partnership is made up of local residents, clergy, voluntary groups and employers. They also provide information and advice services. They have been closely involved in the development of the community justice court in Wandsworth and continue to support community engagement.

The Feltham Community Chaplaincy Trust supports young men leaving Feltham Young Offender Institution by linking them to trained volunteers from the relevant Church, Temple or Mosque in the community to which they are returning, with the aim of helping the young men to re-integrate into their local communities and avoid re-offending. Currently 68 volunteers from across 14 different London boroughs are involved in the project. At present we have representatives from Muslim, Hindu and Christian faiths and efforts are being made to recruit from other communities.

NOMS has recently consulted on a draft volunteering strategy and has highlighted the need to increase the number and diversity of volunteers; become more strategic in volunteer development; improve support to volunteers; and establish the impact of

volunteering. An existing volunteering guide to good practice for prisons describes the range of volunteering activities with and by prisoners and the value of volunteering to the Prison Service. It was published to strengthen and encourage the Prison Service's commitment to working with volunteers and to ensure greater consistency in the use of appropriate volunteering procedures and policies.

HM Prison Service's Chaplaincy oversees some 7,000 volunteers, drawn from almost 500 churches/faith communities/organisations. Volunteers are involved in a range of activities from participating in worship to providing post-release mentoring and care to prisoners and their families.

Question 3

3.5 To be successful this means that our more specific business-related discussions need to address the following priorities:

- Improved engagement with the more local groups utilising anchor organisations¹⁰ to help reach the right stakeholders.
- Capitalise on third sector organisations working locally across many workstreams and for the benefit of service users who often have multiple difficulties and needs.
- Shaping central Government and ministerial priorities and objectives to help influence local practices and Local Area Agreements.
- Use the expertise of third sector organisations to draw disengaged young people and families into the mainstream and address social exclusion.
- Encourage the greater inclusion of volunteering and mentoring in our public service delivery and promote good practice.

<u>Strengthening communities</u>	
Do you agree that our priorities for further work will support our ambitions?	Yes
	No – and if no please say why:
Do you have suggestions on how we can best deliver our priorities and achieve our ambitions? Can you provide examples of best practice?	

¹⁰ Community anchors are large neighbourhood based organisations playing a vital role in generating wealth for communities and supporting other community sector organisations – often social enterprises, able to generate income through trading and contracting, frequently through ownership or management of an asset base.

4. TRANSFORMING PUBLIC SERVICES

- 4.1 The Government recognises the vital role that some organisations play in the design and delivery of public services and sets out a number of actions in the ‘third sector review’ to promote this key contribution by the third sector, which historically has paid particular attention to service users’ needs.

The Ministry of Justice ambition

- 4.2 Our services must have a strong vein of responsiveness to the needs of service users. This is more complex in the delivery of services to offenders, through prison and probation services, where offender needs must be balanced with community expectations and sentencer requirements. But, we want the third sector to help us understand user needs as a pre-requisite to service design and delivery, and we want the sector to help us with such design and service shaping.
- 4.3 The Ministry is committed to deploying commissioning arrangements as a key basis for channeling funds to providers to improve services. Therefore we want constructive and collaborative relationships between skilled commissioners and third sector organisations, characterised by transparency and a mutual willingness to listen, coupled with developing sustainable funding for providers delivering agreed services. In transforming services through contracting we must retain competitive neutrality and recognise that commissioners are charged to seek those arrangements that deliver best value. However, we want to encourage collaboration between providers, and to ensure effective joint commissioning when departments and commissioners work together.
- 4.4 The Ministry operates through numerous markets, which have very different characteristics. A summary analysis of these is shown below.

MARKET	PURCHASER MIX	PROVIDER MIX / SECTOR
Prison places	State: MoJ [NOMS]	Public + some private
Prison interventions	State: MoJ [NOMS]/ DH / Education / HO	Public + third and private
Community offender management	State: MoJ [NOMS]	Public + some third
Community offender interventions	State: MoJ [NOMS]/ DH / Education / HO	Public + some third and more limited private
Offender sentencing / civil disputes	State: MoJ	Predominantly volunteer (Magistrates) + public (Judges)
Court services	State: MoJ	Public + some third and private.
Domestic violence	State: MoJ / HO/ CPS/ DH / Education	Public + third and private
Legal Aid	State: MoJ	Private and third + some public
Young Offender: Secure places Community supervision	State: MoJ via the YJB State: MoJ via the YJB	Public and private sector Public + some third
Problem solving for low-risk offenders	State: MoJ + DCSF	Third + some public

What might success look like?

4.5 Success could include:

- Greater third sector engagement on the design and shaping of services and improved joint planning between policy makers, commissioners, and the sector.
- More effective commissioning including joint commissioning in a mixed market of providers.
- Increased numbers of accredited/assured providers.
- Clear risk sharing understandings in contracts.
- Compact compliance assessments.
- Improved reporting arrangements confirmed by the sector.

Examples of what the Ministry and the sector are already achieving

4.6 A number of examples show what the sector and the Ministry are already achieving by working together.

The Ministry has joint lead on the development and expansion of Specialist Domestic Violence Courts (SDVCs) and Independent Domestic Violence Advisers (IDVAs) in conjunction with the Home Office and the CPS. The IDVA services are provided by the Third Sector responding to local needs and assist victims not only through the court process but also linked services such as housing. A National Steering Group was set up across the three departments with advice from an Expert Panel of stakeholders which included Third Sector representatives e.g. Women's Aid. 25 SDVC systems were set up by April 2006 and a further 39 by April 2007. This year we are jointly undertaking a review of the first 25 SDVCs that were in operation by April 2006. 6 courts were visited to enable us to learn further lessons and share best practice across all SDVC sites. The SDVC Resource Manual will be revised in line with any best practice findings from that review.

The LSC's Chief Executive, Carolyn Regan, has taken personal responsibility for its relationship with the third sector and the Commission issued a statement setting out its commitment to the Compact with the voluntary and community sector in November 2007. The Commission currently contracts with about 500 third sector providers and our investment in the sector currently stands at about £80m per annum. In 2006/07 not-for-profit providers delivered 201,875 acts of assistance out of a total of 796,563 – an increase of 50% over the figure of 2 years previously. The Commission is setting up regional Provider Reference Groups to enable more structured and regular channels for two-way communication with contracted third sector and private practice legal services providers. The LSC is implementing equality in treatment between the third sector and private sector through paying fixed fees for legal aid work. This means third sector organisations remuneration is now in line with arrangements for private sector firms.

The LSC and Gateshead Council jointly fund the Gateshead Community Legal Advice Centre. The successful tender for funding was a joint bid by Gateshead Law Centre and Gateshead Citizens Advice Bureau, with three private practice sub contractors. The Centre provides general help and specialist advice and assistance in the full range of social welfare categories as well as in family and mental health law. Tailoring services around local needs and priorities, the Centre will improve access to legal and advice services for some of the most vulnerable people in Gateshead. It is an example of commissioning integrated social welfare law services with the input of the voluntary sector that allows us to capture local knowledge in shaping local implementation of our overall strategy. This approach is being built on as the LSC develops centres and

networks across England and Wales.

With NOMS, the **Prince's Trust** has created a 'Custody to Community' project to strengthen the quality of pre-release support for short-term young offenders. Based on this strategy, the Prince's Trust aims to pilot the activity in four Young Offender Institutions – Channings Wood, Portland, Guys Marsh and Reading – which have identified a need for this type of intervention and have a high percentage of short-term offenders. By piloting this project in a cluster of YOIs young people will be able to access the one-to-one support even if they move YOI.

Her Majesty's Courts Service (HMCS) is currently working in partnership with Wandsworth Citizens Advice Bureaux (CAB) Limited to pilot a community dispute resolution project that will test the benefits of a service based in and serving the local community. The project was launched in February 2007 and the service opened to the public in April and will run until the end of July 2008. The pilot is governed by a service level agreement between HMCS and the CAB and follows an agreed specification.

The Dispute Resolution Service in Wandsworth, offers coaching and advice as well as facilitated negotiation, building on existing CAB processes, and seeks to resolve a dispute or offer the most appropriate advice to clients to enable them to do so without any direct intervention. The service is free, impartial and confidential and deals with a broad range of dispute types including housing, neighbour disputes, consumer and other legal issues that would otherwise end up in the county court small claims process.

The NOMS Third Sector Stakeholder Group for Contestability was convened to bring together a range of national, regional and local third sector providers of services to offenders across the seven pathways to reduce re-offending, (i.e. accommodation; skills and employment; mental and physical health; drugs and alcohol; benefits debt and finance; children and families; and attitudes thinking and behaviour). It provides the third sector with an opportunity to help shape commissioning plans and to highlight barriers to engagement and to think creatively about these can be overcome.

The West Midlands Connect Project, launched in June 2003, is delivered via a partnership between prisons in the West Midlands and the four Probation Boards in the region: Staffordshire, Warwickshire, West Mercia and West Midlands, with other regional partners including Job Centre Plus, Connections and the Learning and Skills Councils. The project targets those prisoners serving less than 12 months, providing for them on a voluntary basis, a mentoring service through the gate with a view to increasing rates of employment and training post-custody and reducing re-offending. In the latest analysis there was an apparent improvement in 2 year reconviction rates of around 17%, although other factors may also be involved in achieving this improvement.

Samaritans train and support prisoner "Listeners". These are serving prisoners who volunteer to provide confidential emotional support to fellow prisoners in schemes at well over 100 prisons. A much acclaimed annual tripartite **HM Prison Service/ Samaritans/ Listeners** annual residential conference is attended by prisoners alongside staff as full and equal delegates. These activities, covered in Service Level Agreements, are strongly supported by Ministers and the Prison Service Management Board and contribute to a powerful H M Prison Service/ Samaritans partnership at national, area and establishment levels with full Samaritans involvement in wider suicide prevention policy and practice development.

Question 4

4.7 To be successful this means that our more specific business related discussions need to address the following priorities:

- Sector inclusion in service design and shaping markets to make them accessible to all providers whilst retaining competitive neutrality.
- Reduce barriers to entry to public sector provision by other providers: the third and private sectors.
- Capacity-building of third sector organisations, to ensure they can make successful applications and deliver successful organisations demonstrating concrete outcomes.
- Commissioner training to include sharing contracting risks and joint commissioning with other government departments and other commissioners who have shared service objectives.
- Apply the Compact principles.
- Promote partnerships across sectors and consortia building.
- Assess service improvements and impact on outcomes and streamline the reporting arrangements for the sector, whilst ensuring accountability.

<u>Transforming services</u>	
Do you agree that our priorities for further work will support our ambitions?	Yes
	No – and if no please say why:
Do you have suggestions on how we can best deliver our priorities and achieve our ambitions? Can you provide examples of best practice?	

5. SOCIAL ENTERPRISES

- 5.1 The Government recognises the potential of businesses that want to combine profit generation with social and environmental goals. It sets out a number of associated actions in the 'third sector review' which builds on the Social Enterprise Action Plan published in 2006¹¹.

A social enterprise is a business with primarily social objectives whose surpluses are principally reinvested for that purpose in the business or in the community, rather than being driven by the need to maximise profit for shareholders and owners.

Some of the oldest and largest social enterprises are co-operatives. A co-operative is an autonomous association of persons united voluntarily to meet their common economic social or cultural needs and aspirations through a jointly owned and democratically controlled enterprise.

The third sector embraces voluntary and community organisations, charities, social enterprises, mutuals and co-operatives.

The Ministry of Justice ambition

- 5.2 The Ministry wants to see social enterprises increasingly able to deliver our services and that we play our part in creating the conditions for their development. Some of the markets in which we operate, as set out in a previous chapter, are not meeting their full potential in achieving improved services, and we recognise that supporting the right social enterprises builds in greater chances for longer term sustainability.
- 5.3 This is an area where we want to work very closely with the Office of the Third Sector, understanding that the type of organisational support that might be needed to develop social enterprises goes beyond our skill and experience base.

Examples of what the Ministry and the sector are already achieving

- 5.4 A number of examples show what the sector and the Ministry are already achieving by working together.

The Goodwin Development Trust was set up as a charitable organisation in 1994 by residents of the Thornton Estate in the Riverside area of Hull who wanted to improve their quality of life and the services available on their estate. Goodwin Development Trust now employs over 300 staff with a turnover of £9.2 million working across 38 sites, aiming to deliver services that improve the quality of life for residents throughout the city. The Trust is a key partner for the Community Justice Court facilitating community engagement through its links to many parts of the community.

¹¹ Social enterprise action plan, Scaling new heights. Cabinet Office, November 2006.

One of the three priorities of Reducing Re-Offending Through Skills & Employment: Next Steps, launched in December 2006, was reinforcing the emphasis on skills and jobs in prisons and probation. There was recognition that offenders vary considerably, with some needing little support to find work on release and others needing more help. One recognised route was the introduction of work through alternative forms of employment such as social enterprises in prisons. One example is Barbed Design established by **The Howard League for Penal Reform** at **HMP Coldingley**, which is run for social benefits as well as financial ones. This graphic design studio is a social enterprise that provides work for offenders. The studio provides value for money, and high quality design services to its clients. NOMS itself is a customer. All the profits are re-invested to further the enterprise's social goals and to equip prisoners for a law-abiding life. An experienced studio manager ensures the quality of the work. Prisoners receive an intensive four month training programme and are offered apprenticeships and other work-related qualifications. Barbed offers employment to offenders on the same terms offered to other Howard League staff.

Question 5

5.5 Success in this area is a little more problematic to assess, but we can look to achieve a greater number of social enterprises in the Ministry of Justice business areas. To be successful it might mean that our more specific business related discussions need to address the following priorities:

- Shaping markets to make them accessible to social enterprises.
- Consulting with the social enterprise ambassadors, as included in the 'social enterprise action plan'.
- Develop commissioner understanding of contracting with social enterprises and any particular risk sharing issues that commissioners need to consider when contracting with social enterprises.

<u>Social Enterprises</u>	
Do you agree that our priorities for further work will support our ambitions?	Yes
	No – and if no please say why:
Do you have suggestions on how we can best deliver our priorities and achieve our ambitions? Can you provide examples of best practice?	

6. END NOTES

- 6.1 This strategy addresses four key strands that we believe need to be reflected in our future work and discussions, to be built around the Ministry's various business areas. These four strands underpin our approach to supporting the environment for a healthy third sector:
- Enabling voice and campaigning.
 - Strengthening communities.
 - Transforming public services.
 - Encouraging social enterprise.
- 6.2 We recognise that various Ministry of Justice business areas are at different developmental stages, have different developmental needs, and offer different potentials for third sector engagement and inclusion. This is why we believe that the more specific actions can be more tailored than this wider strategy either can or should be.
- 6.3 However, we expect those actions to reflect the many issues raised in this document and to follow the direction of travel and principles outlined earlier to support our ambitions. And, any future more specific plans must be developed through consultation between policy makers, those leading and managing the business areas and colleagues from the third sector.
- 6.4 Improved and cost effective services will be at the heart of our efforts and must be the drivers for discussions between the Ministry and the sector. As well as the drivers outlined in this strategy other key ingredients that will support a healthy third sector include:
- Getting the funding periods and regimes right, and appropriate to the contract under consideration.
 - Meeting the Compact principles.
 - Meeting the 4 Gershon¹² principles, that are aligned with the Compact.
 - Building the evidence base and demonstrating effectiveness, with a primary focus on outcomes for those using services.
 - Getting the regulatory framework and procedures proportionate to the business.
- 6.5 We now look forward to hearing your views before we finalise this strategy.

¹² Stability in funding; timing of payments and balance of risk; full cost recovery; reducing the burden of bureaucracy.

The consultation criteria

The six consultation criteria are as follows **[Please note – this is a strategy and not a departmental policy. The strategy is designed to enable the implementation of existing Government policies as outlined in this document]:**

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 time scale 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 an Impact Assessment if appropriate.

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 Laurence Fiddler, Ministry of Justice Consultation Co-ordinator, on 020 7210 2622, or email him at consultation@justice.gsi.gov.uk.

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

**Laurence Fiddler
Consultation Co-ordinator
Ministry of Justice
5th Floor Selborne House
54-60 Victoria Street
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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 under the **How to respond** section of this paper.

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