

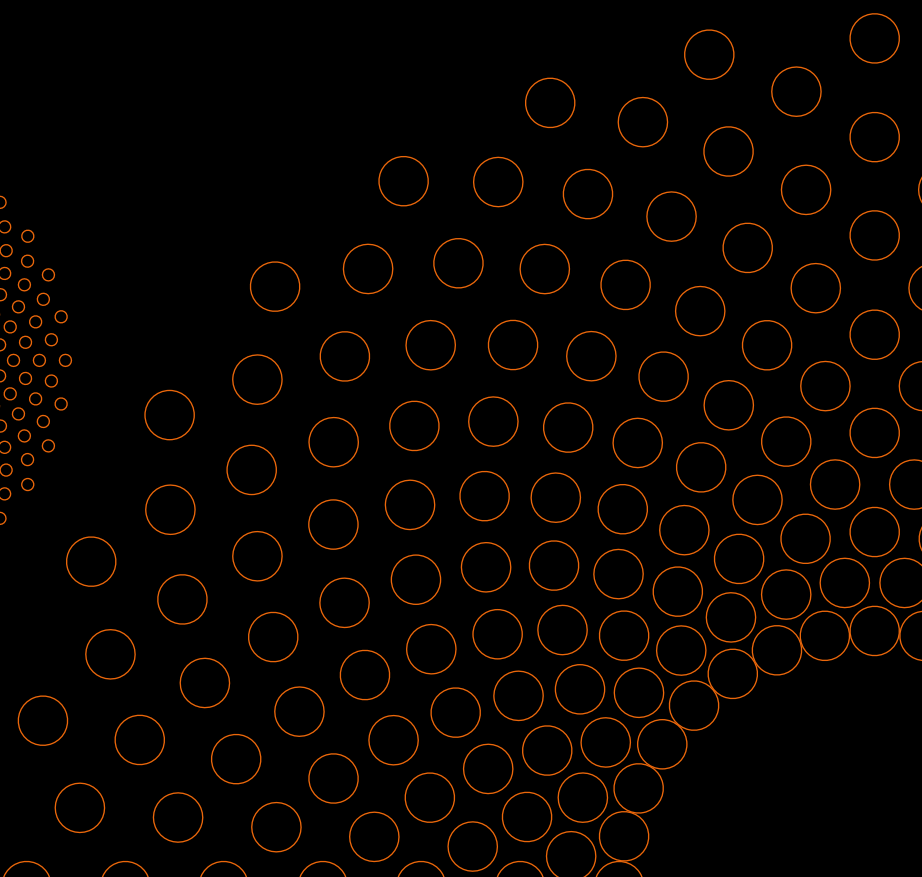
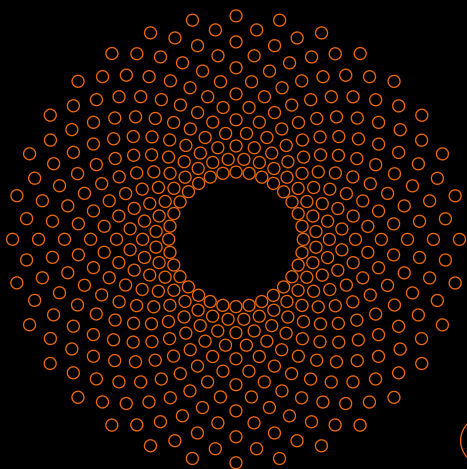


Ministry of
JUSTICE

Third Sector Strategy

Improving policies and securing
better public services through
effective partnerships

2008 - 2011





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JUSTICE

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Improving policies and securing better public services through effective partnerships

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

6 June 2008

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FOREWORD

The Ministry of Justice is a national delivery department that touches on every area of people's lives; through the work of the criminal and civil 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 strategy sets out how we plan to make the Ministry of Justice better at engaging with the third sector and it will lead to more specific business related planning and discussions so that we can build effective partnerships to achieve our common goals.

A handwritten signature in black ink that reads "Bridget Prentice". The signature is written in a cursive, flowing style.

BRIDGET PRENTICE

Parliamentary Under Secretary of State, Ministry of Justice

Basic information regarding this document

To: Colleagues from the third sector who engage, or wish to, with MoJ business; relevant policy leads; other government departments; other relevant partners.

This paper sets out the Ministry of Justice (MoJ) 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 strategy takes into account issues raised during the consultation period. However, much of the detail included in the consultation responses will need to be taken forward in more focused discussions with policy leads and subsequent planning that relates to the various business areas of the department.

1. INTRODUCTION

Background and context

- 1.1 The Ministry of Justice (MoJ) comprises a number of organisations, or business areas. They include:
- The National Offender Management Service (NOMS), that combines HM Prison Service and the Probation Service;
 - HM Courts Service;
 - The Tribunals Service;
 - The Legal Services Commission;
 - The Office of Criminal Justice Reform;
 - The Office of the Public Guardian; and
 - The Official Solicitor and Public Trustee.
- 1.2 The delivery organisations operate within a variety of constitutional arrangements, such as:
- Management through executive agency status (e.g. NOMS).
 - Management through the Non-Departmental Public Body (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; support for victims and witnesses; support for those subject to domestic violence).
- 1.3 The department also works in partnerships to deliver services such as community justice, through grants to deliver services such as support to victims and, of course, works with one of the largest volunteer services with one of the longest volunteering histories, the magistracy. However, as judicial office holders and a part of the wider judicial family, magistrates represent a very particular type of volunteering activity and therefore much of the detail included in this strategy is likely to be less applicable to the magistracy.
- 1.4 The delivery organisations contribute to the MoJ's Departmental Strategic Objectives, which are as follows:
- **Democracy, Constitution and Law:** strengthening democracy rights and responsibilities.
 - **Access to Justice:** delivering fair and simple routes to civil and family justice.
 - **National Offender Management Service:** protecting the public and reducing reoffending.
 - **Criminal Justice:** a more effective, transparent and responsive criminal justice system for victims and the public.
- 1.5 Each of the department's business areas has lead policy officials and they have responsibilities to secure the best possible services from the best available providers, including those from the third sector. The Ministry of Justice also has a Third Sector Champion and a Third Sector Liaison Officer, who represent the government's third sector agenda both within their department and to their NDPBs, agencies and stakeholders.

- 1.6 This Third Sector Strategy for England and Wales underpins how relationships will be taken forward between the various business areas that are overseen, managed or sponsored by the MoJ and its partners. It has benefited from the wide range of responses received during the consultation period, but it does not give all the answers, and nor should it – it is the framework for further and more detailed work between the department and the third sector.
- 1.7 This point is particularly important as some consultees would have liked this strategy to be more specific. The expectation is that policy leads, working together with third sector partners and, where needed across government, will develop more detailed plans. To this end the detail included in the consultation responses has been analysed and catalogued by the various policy leads in the department and will be addressed in future discussions.
- 1.8 As an example, NOMS, in consultation with the third sector, is finalising its approach to working with the third sector to reduce re-offending, which includes specific principles, actions, time-lines and accountabilities to enable better engagement with the sector and to enhance its role in public service delivery and design. We will also be considering the department's volunteering strategy following the review of volunteering across the criminal justice system by Baroness Neuberger over summer 2008.
- 1.9 Therefore, the main action consequence of this strategy is the future engagement between policy leads and the sector. The consultation on this strategy highlighted that these engagements need to consider especially:
- the particular needs of women, in the justice system and those who are victims of abuse (and addressing more holistically domestic violence);
 - the particular needs of those from BME communities;
 - young people from disadvantaged communities;
 - recognition that many third sector organisations have a wider remit than meeting single objectives, and that they need to meet their own vision statements and objectives;
 - inclusion of the user voice;
 - getting the funding arrangements right for the particular business, recognising that commercial contracts work for some aspects and grant funding for others;
 - understanding of the frequently complex funding arrangements for many third sector organisations, often from different government departments;
 - improved inter-departmental liaison (and in this respect the Office of the Third Sector, within the Cabinet Office, plays a crucial role);
 - how to engage smaller organisations;
 - making better connections between the national, regional and local levels; and related to this;
 - improved communications recognising that not all third sector organisations can be part of more direct engagement with policy leads, other officials, and ministers.
- 1.10 Improved and cost effective services are at the heart of our efforts. Our services need to meet better the needs of our communities and service users. Although this strategy is focused on the third sector its consequences must be taken forward without discriminating against other providers to ensure that the department maintains competitive neutrality. Planning for the future also has to be in a context of financial restraint, making it even more important that priorities are understood by all concerned.

- 1.11 The business areas within the MoJ are at different stages of development in their relationships with the third sector and have potentially different needs and futures. These differences will be reflected in the nature and scope of the discussions that policy leads will have as they 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.
- 1.12 To deliver change, the MoJ Third Sector Strategy requires actions to have clear 'milestones of progress' against which ambitions are assessed and through which all parties can be challenged. In recognition of this:

The Ministry of Justice will establish a Third Sector Forum / Advisory Group / Partnership Board that draws together key third sector representatives from the various MoJ business areas and relevant officials, jointly chaired by the MoJ 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.

This body will be set up by autumn 2008 in consultation with the third sector.

- 1.13 The MoJ is not operating in isolation as it implements 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 does this strategy seek to achieve?

- 1.14 Third sector organisations have a critical role to play across all the business of the Ministry of Justice. The department's remit includes the delivery of criminal and civil 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 human trafficking and 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 objectives¹. 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 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.

1.15 However, we can and need to do more to develop our engagement with the sector with a view to enhancing its contribution 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 document:

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

1.16 These four common goals should help to support the overall conditions for a thriving third sector. This is consistent with the mission of the Commission for the Compact².

“... 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.”³

1.17 Our strategy will help the department meet specific recommendations to⁴:

- 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 employer-supported 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; and
- continue to work towards best practice in relations with the third sector, as set out in the Compact.

² The Compact does not apply in Wales, where the Welsh Assembly and the LSC have developed a Community Legal Services Strategy.

³ Commission for the Compact. Business Plan; Summary 2007 / 2008. April 2007.

⁴ Letter to Amanda Finlay, from HM Treasury. June 2007.

Underpinning principles

- 1.18 Our strategy builds on considerable previous work. The final report of the *Review into the future role of the third sector in social and economic regeneration* 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.
- 1.19 Our strategy must support our shared diversity and equality commitments and obligations that are so often championed by the third sector.
- 1.20 The *Partnership in Public Services, an action plan for third sector involvement*⁵ 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:
- 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.
- 1.21 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.
- 1.22 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 (page 10 refers).
- 1.23 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 National Audit Office (NAO) Report⁶. 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 contracts⁷.

⁵ Cabinet Office / Office of the Third Sector. December 2006.

⁶ Working with the Third Sector. NAO, June 2005.

⁷ Social clauses are requirements within contracts or the procurement process which allow the contract to provide added social value through fulfilling a particular social aim. For example, a social clause in a public contract could prioritise the need to train or give jobs to the long-term unemployed in the community as part of the contracting workforce.

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 sub-contracting 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.

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 MoJ 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.

Examples of what the MoJ and the sector are already achieving

- 2.3 A number of examples show what the sector and the Ministry (with its agencies and NDPBs) 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 (LAA) 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) will grant funding to the Advice Services Alliance (ASA), the umbrella organisation for all independent advice services and networks in the UK from 2008 until 2011. The purpose of the funding has two major strands, namely to provide a national policy voice for the Not for Profit (NfP) advice sector and secondly, providing practical support and guidance to Not for Profit organisations across LSC contracts. The main activities of the grant funding will be policy representation and co-ordination, training and providing an information resource. It is anticipated that this funding will also enable NfP providers to improve aspects of their services funded by other sources which will in turn benefit a wider range of clients, including those not eligible for legal aid.

Through the **Public Legal Education Network** the MoJ also funds the Advice Service Alliance to create a central knowledge bank of successful projects and to develop best practice by bringing together a wide range of practitioners.

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 the 2007/08 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.

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 the third sector, including faith based organisations, brings to reduce re-offending and protect the public is integrated and realised. To this end NOMS consulted on a draft third sector action plan with the Youth Justice Board, *Believing we can - the role of faith-based organisations in reducing re-offending*, at the end of 2007/early 2008. The consultation sought views about the barriers faced by organisations, the solutions to better inform, consult and involve the sector in work to support offender management; and to ensure a focus on diversity.

H M Prison Service has set up a Race Advisory Group - an independent national group that acts as a critical friend to support and challenge it's 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.

What might success look like?

- 2.4 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 review⁸, 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.
- 2.5 The challenge is to ensure that consultation and giving a voice makes a difference. To be successful means that our more specific business related discussions need to address:
- 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.
 - Sector and user involvement in shaping policies and services includes groups who might normally be marginalised, so that services are designed and delivered that better meet our diversity and equality commitments.
 - Third sector providers have and meet their own diversity standards and policies.
 - Service users / receivers are more confident that services are responding to their needs.
 - Improving communication between policy leads, commissioners and the sector, nationally, regionally and more locally either by using existing structures and mechanisms or, in consultation with the sector, establish new structures.
 - Making better links between the centre and the developments of Local Area Agreements (LAAs) and sector involvement in Local Strategic Partnerships (LSPs).
 - Organisations and citizens /service users are kept informed of developments, either by the department or as part of an agreement with the sector, possibly through infrastructure / umbrella bodies, or at a more local level through LSPs.
 - Clear separation between inclusion in service design by the third sector and any subsequent service commissioning when third sector organisations might be in competition.

⁸ Effective consultation, asking the right questions, asking the right people, listening to the answers. Cabinet Office, June 2007.

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 (WAG), Local Government and Local Strategic Partnerships (LSP) are critical.

The MoJ 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 department 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.

Examples of what the MoJ and the sector are already achieving

- 3.3 A number of examples show what the sector and the Ministry (with its agencies and NDPBs) 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 funds defined additional services to eligible legal providers to compliment their frontline services. These services include the Specialist Support Service, which provides advice and support to providers in the categories of: community care; debt; employment; housing; welfare benefits; mental health; immigration and public law across England and Wales. The key facet of the service is the provision of a daily telephone service to take calls from eligible providers seeking specialist support. This approach enables local providers to deliver additional services that may be required but not otherwise available in the local area.

The Ministry of Justice 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 three 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 of Justice 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 the **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 the section in court where fines are paid). Their main feature is 'sign posting' (referral system). They pro-actively refer court users to other agencies that can offer assistance on 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, efforts are being made to recruit from other communities.

NOMS consulted on a draft volunteering strategy in 2007 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, and 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.

H M Prison Service's Chaplaincy oversees some 7000 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.

What might success look like?

3.4 To be successful means that our more specific business related discussions need to address:

- Shaping central Government and ministerial priorities and objectives to help influence local practices and Local Area Agreements.
- Representation of relevant third sector organisations on Local Strategic Partnerships⁹ to influence Local Area Agreements and to work with the Welsh Assembly Government and improving engagement with the more local groups, possibly using anchor organisations¹⁰ (ensuring proper representation) to help reach the right stakeholders.
- Capitalising on third sector organisations working locally across many workstreams and for the benefit of service users who often have multiple difficulties and needs.
- Increasing partnership and consortia working, that includes working together with the public and private sectors.
- Increasing inclusion of disengaged young people, families and minority groups into the mainstream and to address social exclusion.
- Encouraging the greater inclusion of volunteering and mentoring in our public service delivery and promoting good practice, to help the department achieve its objectives.
- Improving information sharing about effective volunteering and good volunteering practice.
- Increasing use of social clauses in contracts, and sharing information about their use and impact.

⁹ Principles of Representation: A Framework for effective Third Sector representation on LSPs. A draft consulted on up to February 2008; DCLG

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 MoJ 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. 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 department 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 MoJ operates through numerous markets, which have very different characteristics. A summary analysis of these is shown below.

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

Examples of what the MoJ and the sector are already achieving

- 4.5 A number of examples show what the sector and the Ministry (with its agencies and NDPBs) are already achieving by working together.

The Ministry of Justice 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 a further 39 by April 2007 and by April 2008 there were 98. In 2008 we also jointly undertook a review of the first 25 SDVCs that were in operation by April 2006. 10 of these courts achieved a successful prosecution rate of over 70%, with one reaching over 80% and the remaining 12 achieving an average rate of 66%. Best practice is shared across all SDVC sites including the SDVC Resource Manual, which has been revised with the findings from the 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. In 2006/07 the Commission contracted with about 500 third sector providers and its investment in the sector was about £80m. In the same year, 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 two 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 Portsmouth City Council jointly fund the Portsmouth Community Legal Advice Centre, which opened on 1 April 2008. The contract to run the services was awarded to Southern Focus Trust (SFT) after an open and competitive tender process (including third and private sectors). SFT is a Portsmouth based charity that provides care, support and advice services to people across Hampshire and Dorset. Under the existing structure Portsmouth CAB is sub-contracted by SFT to deliver the generalist advice element of the new service. The centre will provide an end-to-end integrated advice service providing everything from basic information and advice through to representation at court.

Her Majesty's Courts Service (HMCS) is currently working in partnership with Wandsworth Citizens Advice Bureaux (CAB) 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.

'Circles of Support and Accountability' works with people who have sexually abused children and who present a high risk of re-offending. 'Circles' volunteers offer the offender social and emotional support which complements statutory provision. Reducing isolation and loneliness is believed to significantly reduce the risk of re-offending. Key features include: high level of training; strong inter-agency liaison; consistent supervision and support of volunteers; and effective communication processes. **NOMS** grant funds two pilot projects in Hampshire and Thames Valley; the national project run by the Lucy Faithfull Foundation; and a new infrastructure body being set up, Circles UK. This will set standards, monitor 'Circles' around the country and help and assist local projects to set up. Criminal Justice Group Analytical Services is preparing a reconviction study to examine the impact of Circles on sex offenders in the UK, although sample sizes will be small.

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, (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 how 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 two 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 **H M 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.

What might success look like?

4.6 To be successful means that our more specific business related discussions need to address:

- Greater third sector engagement on the design and shaping of services and improving joint planning between policy makers, commissioners, and the sector whilst retaining competitive neutrality.
- More effective commissioning including joint commissioning in a mixed market of providers and promoting partnerships across sectors and consortia building.
- Increasing numbers of accredited / assured providers.
- Clear risk sharing understandings in contracts.
- Applying and assessing Compact compliance.
- Reducing barriers to entry to public sector provision by other providers: the third and private sectors.
- Capacity-building of third sector organisations.
- Commissioner training to include sharing contracting risks and joint commissioning with other government departments and other commissioners who have shared service objectives.
- Assessing service improvements and impact on outcomes and streamlining the reporting arrangements for the sector, whilst ensuring accountability.
- Improving information sharing about effective services and partnerships between all sectors: public; third; and, private.

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 MoJ Ambition

- 5.2 The department 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.

Examples of what the MoJ and the sector are already achieving

- 5.3 A number of examples show what the sector and the Ministry (with its agencies and NDPBs) 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.

The Bradford & District Youth Offending Team (YOT) Restorative Justice (RJ) Project with First Bus Company is an excellent example of social enterprises that enable the Government and the third sector to deliver services. First Bus Co. used to either fine young people or prosecute them if caught using their bus passes fraudulently. This included involving the court, and usually resulted in a Referral Order. Now, rather than prosecuting, the young person can attend a Restorative Justice meeting with the YOT. This RJ project avoids criminalizing young people, and saves public money and YOT resources. After the successful pilot in Bradford, this model is now being used across West Yorkshire.

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

The 'Get Into' project in partnership with Prince's Trust aims to provide young people the opportunity to progress into employment by providing work experience in specific sectors. For example, the 'Get into Maritime' programme is working with the Pioneer Sailing Trust in Suffolk to offer opportunities for sail training and life development skills. 'Get into Superdrug' provides opportunities for young people to be employed by Superdrug. The Rotherham Superdrug store is working directly with the Prince's Trust and local YOT to run taster/training sessions for young people to make them aware of the kind of commitment expected by the employers. A number of young people involved in this project were offered jobs in the store at the end of their training.

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 Design offers employment to offenders on the same terms offered to other Howard League staff.

5.4 Success in this area is a little more problematic to assess. This is an area where we want to work very closely with the Office of the Third Sector and third sector partners, understanding that the type of organisational support that might be needed to develop social enterprises goes beyond our current skill and experience base. To be successful might mean that our more specific business related discussions need to address:

- shaping markets to make them accessible to social enterprises;
- consulting with the social enterprise ambassadors, as included in the *social enterprise action plan*;
- co-operation / connections between social enterprises and charitable organisations; and
- raising commissioner awareness and developing commissioner understanding of contracting with social enterprises and any particular risk sharing issues that commissioners need to consider when contracting with social enterprises.

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 department'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 MoJ 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 will be more tailored than this wider strategy either can or should be.
- 6.3 However, we expect those actions to reflect the many issues identified in this document and the wide range of consultation responses that support our ambitions. Any future specific plans must be developed through engagement with policy makers, those leading and managing the business areas and colleagues from the third sector, with reference to:
- 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.
- 6.4 Improved and cost effective services will be at the heart of our shared efforts and must be central to discussions between the Ministry of Justice and the sector, especially at a time of significant financial challenge and restraint. We hope that this strategy will prove to be a useful reference point for both our policy leads and our colleagues in the third sector as we work together to the benefit of our service users.

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

