Clinks Briefing on NOMS Commissioning Intentions 2012-13 Version Two

February 2012

Introduction

This briefing summarises the most recent version of the NOMS Commissioning Intentions Discussion Document for 2012-13, which updates an earlier version published in November 2011. The discussion document forms part of the NOMS annual Strategic Commissioning Round, intended to provide a framework for prisons and probation trusts as they prepare their Service Level Agreements and refreshed contract schedules to take effect from April 2012. It is expected that prisons and probation trusts will act as prime providers in their localities, and use NOMS stated Commissioning Intentions to inform how services are sub-contracted to providers from all sectors through local commissioning.

The Commissioning Intentions is a live document which will continue to adapt in order to reflect changing priorities and needs. Any queries or feedback can therefore be sent directly to NOMS and organisations can also share their thoughts and opinions on the discussion document through the online Clinks Network (www.clinks.ning.com) or by contacting Katie O’Donoghue, Policy Intern (katie.o’donoghue@clinks.org).

Policy context

The Commissioning Intentions form part of the Coalition Government’s wider agenda for reform in public services and the criminal justice system, as outlined in the vision for Open Public Services\(^2\) and in Breaking the Cycle Green Paper.\(^3\)

The discussion document also points to a number of key reforms across Government which will affect the delivery environment for criminal justice agencies in 2012-13, including:

- The forthcoming review into the delivery of probation services in England and Wales;
- Subject to the successful passage of the Health and Social Care Bill (2011), a shadow National Commissioning Board, shadow Health and Wellbeing Boards and Shadow Clinical Commissioning Groups, which will be formed during 2012-

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\(^1\) The most up-to-date version of the document may be checked at www.justice.gov.uk/about/noms/commissioning.htm [last accessed 9.2.12]


13 in preparation for transferring full responsibility for health (including Offender Health) from April 2013;

- Mandating of prisoners eligible for Jobseekers Allowance into the DWP Work Programme;
- Awarding of contracts for the Offender Learning and Skills Service (OLASS);
- Election of Police and Crime Commissioners for England and Wales in November 2012;
- Further rollout of the Community Budgets and related pooled budgeting approaches across Government, building on the pilots around supporting families with multiple needs.

Evidence-based commissioning

The discussion document strongly emphasises NOMS’ commitment to use evidence on the effectiveness of interventions in reducing reoffending to inform the commissioning process.

The document makes reference to two separate bodies of research – empirical studies into the effectiveness of interventions (known as ‘what works’ literature) and desistance literature, which indicates some of the processes and life events which can encourage offenders to desist from offending. Drawing upon these sources, the discussion document puts forward a list of the kinds of services and interventions which are viewed as having the best evidence base for their effectiveness in reducing reoffending:

- Accredited, structured cognitive-behavioural programmes
- Basic educational provision (where needed)
- Employment-focused programmes in which offenders can secure real jobs
- Structured therapeutic approaches for juvenile offenders that involve the family
- Substitution prescribing, in conjunction with psychosocial support, for opiate dependent offenders

The following are viewed as promising approaches in reducing reoffending:

- Circles of Support and Accountability for sexual offenders
- Medical treatment for some types of sexual offenders
- Mentoring
- Structured group counselling
- Peer fellowship/support for substance misusers
- Structured approaches to supervision (e.g. the Citizenship programme created by Durham Tees Valley Probation Trust)
- Intensive supervision involving treatment programmes
- Cognitive behavioural domestic violence interventions
- Motivational interviewing
The document notes that ‘punitive approaches that provide intensive surveillance and control without rehabilitative components’ do not have a good evidence base for reducing reoffending and in some cases may even increase the likelihood of reoffending. Nonetheless, it maintains ‘punishment is a necessary aspect of a correctional system’.

**When a firm evidence base is lacking**

The document acknowledges that evidence-based commissioning may present problems where the evidence base for a certain intervention is limited or evolving e.g. for a new, innovative service or one carried out by smaller providers. If this is the case, there should be both a clear rationale for why the service is expected to work and a strategy in place for gathering evidence.

It is noted that commissioners will be expected to disinvest in services in custody and in the community which ‘are unable to provide a clear description of the service, including the outcomes it aims to deliver, who it is for, and why it should work, or provide basic information on its quality and delivery’. However, NOMS commits to working with partners to develop the evidence base and share its position in relation to the evidence.

Of particular interest to Clinks Members may be the consideration given in the document to intermediate outcomes as ‘likely to be important and worth consideration’. These outcomes include:

- Improving reintegration into (non-criminal) social and family groups
- Strengthening family ties, improving family and intimate relationships, improving parenting behaviour and increasing acceptance into communities and social networks
- Changes in anti-social attitudes and improvements in thinking skills
- Finding suitable accommodation
- Finding long-term employment and increasing employment skills
- Ending debt and other finance related problems
- Achieving sobriety

**Segmenting the offender population**

When planning services commissioners and providers may be encouraged to divide their service users into sub-groups. This model is not meant to imply that all offenders will fall neatly into a particular segment, but to draw attention to some priority groups.

The aim is to allocate resources according to risk and need, with more prolonged inputs for those who pose the greatest risk and have the greatest number of factors linked to offending. There are two tables (see pp. 18 – 19), which display 16 subgroups, divided by type of offence and level of risk.
Responsivity and Diversity

The document indicates a commitment to services which are sensitive to the individual needs and backgrounds of the offender population.

It acknowledges that ‘successful rehabilitative work has a holistic character’ and stresses the importance of assessing individual needs and matching the type and timing of interventions to these needs.

It is noted the segmenting approach outlined above may not be the most appropriate guide to commissioning services for female offenders. Though a very high percentage of this group are classed in the low to medium risk band, women in the Criminal Justice System often have a wide range of specific social and psychological needs which make them particularly vulnerable. It is acknowledged that many of the needs most prevalent among female offenders, such as education, mental health and substance misuse are therefore most appropriately dealt with through co-commissioning services with other partners.

Other groups mentioned which do not conform to the ‘white, male, average IQ, heterosexual majority’ are:

- Offenders with intellectual or learning disabilities
- Offenders with diverse cultural or ethnic backgrounds
- Offenders who are gay, lesbian or bisexual

The document notes that a coherent set of interventions can best be held together by ‘a strong and trusting relationship with an offender manager/case manager who communicates effectively with others delivering specific services’. This should ensure that all those delivering services are aware of the broader picture of an individual’s ‘rehabilitative journey’ and offer the best chance of successful transition from custody into the community.

Commissioning intentions for services in custody and in the community

The document outlines what service outcomes NOMS wishes to buy in custody and in the community during 2012-13, with a caveat that commissioners should ensure that rehabilitation services and interventions are not disproportionately targeted for savings.

However, it is expected that there will be disinvestment in both non-core rehabilitative services for male offenders presenting a low risk of harm to others, and in services and interventions which are deemed to be ineffective. Conversely, investment in rehabilitation services will be maintained for women offenders, and for male offenders who present a medium or high risk of reoffending or of causing harm to others.

Further commissioning aims include:

- Providers developing their capacity to offer restorative justice conferencing in custody and the community (guidance on this will be made available by NOMS);
- Establishment of effective models of Integrated Offender Management by close working between providers and local community partners;
• Development of credible alternatives to custody and custodial remand for the courts;
• Delivery of the specification for Approved Premises to enable offenders to progress to less intensive support while offering protection to the community;
• Developing the use of interventions suitable for delivery as Specified Action Requirements in order to address offending behaviours which are currently poorly provided for;
• Increasing the level of meaningful work for prisoners and developing ‘working prisons’ using the expertise of the private, voluntary and community sectors;
• Developing systems which will enable the greater engagement of volunteers within the provision of offender services in custody and in the community;
• Tackling the availability of drugs and mobile phones in prisons;
• Increasing the provision of interventions and specialist assessments for extremist offenders.

Commissioning intentions for co-commissioned services

In addition, NOMS will align its priorities and resources to co-commission services with other Government departments. Some intentions that might be particularly of interest to the VCS include:

Health

• NHS and NOMS commissioners developing a new Personality Disorder pathway in prisons and in the community;
• Ensuring that commissioning of psycho-social substance misuse programmes for offenders in custody are informed by evidence of local need and align with NOMS substance misuse priorities (e.g. drug free wings).

Work and training

• Working with the new Offender Learning and Skills Service (OLASS 4) providers to help drive through the agreed reforms of the review Making Prisons Work: Skills for Rehabilitation.¹
• Facilitating the introduction of day one entry for prisons leavers onto the DWP Work Programme by introducing the necessary infrastructure within prisons and data-sharing systems with DWP and JobCentre Plus.

Families

- The Department for Education have committed to invest £3m of a £9m grant programme in developing integrated support services to offenders’ families.

Accommodation and resettlement

- There are forthcoming Specifications and associated PSI/PIs on housing and rent arrears, finance benefit and debt will provide
- Commitment to continued work to increase access of prisoners to basic banking facilities.

Wales

- While NOMS has direct responsibility for commissioning custody and probation services in Wales, it will continue to work closely with the Welsh Government around its wide range of local responsibilities, including health, social care, housing, learning and skills and local government, to improve outcomes for offenders.
- The Transitional Support Service has been co-commissioned by NOMS and the Welsh Government to support the resettlement of Welsh prisoners with substance misuse problems. NOMS also has a Memorandum of Understanding with the Welsh Government to deliver learning and skills to offenders in Wales.

Further information


Other Clinks Members’ Briefings - http://www.clinks.org/publications/briefings

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