



Minutes from Reducing Reoffending Third Sector Advisory Group (RR3) Special Interest Group on Commissioning Family Services

5th January 2017

Attending:

Nicola Drinkwater, Clinks

Polly Wright, Barnardos

Andy Keen-Downs, Pact

Anna Peaston, Pact

Joanna McIntosh, HACRO

Helen Attewell, NEPACS

Lee Stephenson, Jigsaw

Alison Goddard, Lincolnshire Action Trust;

Matthew Livingstone, Pre-school Learning Alliance

Mark Proctor, Ormiston Families

Richard Nicholls, Clinks

Charlotte Weinburg

Maxine Myatt

Diane Curry, POPS

Richard Booty, NOMS

Angela Christopher, NOMS

Update on the commissioning process from NOMS

- The National Offender Management Service (NOMS) held a series of roadshows across the country to give information to organisations interested in bidding to deliver family services in prison and also answer their queries. This was first time the team at NOMS had used this model and they found it useful for engaging with organisations. It is possible that they will use the same model for commissioning learning and skills services in the future.

- NOMS have been able to respond to some of the feedback they heard during the roadshows and issues raised by members of the RR3 Special Interest Group (SIG). They have extended the timescales and delayed stage one of the process. They have re-configured how lots are calculated and organisations will be able to bid to deliver services for a cluster of prisons rather than just for prisons in a region.
- The women's estate will be a cluster.
- The timetable is on schedule and the pre-qualifying questionnaire will be released on the 9th January 2017.
- Whilst the procurement exercise is generally organised on a geographic/regional basis, the women's estate and the high security estate are national functional groupings. The women's estate is structuring as one overall cluster whereas the high security estate has preferred that each of its establishments are represented as an individual cluster.
- The process will be split into two stages. Stage one will detail the different lots and their values alongside a top-level specification. Stage two will give information about the particular specifications and models.
- During the first stage of the process, all the competent providers will be added onto a framework. There will be an IT-based evaluation for the bidders which will take place during stage one of the commissioning process. All Single Points of Contact have endorsed or made comments about what the evaluation should say.

Questions about the process from attendees were as follows:

- If an organisation wants to apply to deliver family services in more than one region will they repeatedly be required to fill out their basic details for stage one of the process? If organisations are interested in bidding for 10 clusters, for example, it will be very resource intensive if they are required to fill in the information a number of times.

Action: NOMS will seek clarification as to whether organisations need to include their basic information for each application they make.

- **Contract management:** One organisation asked if NOMS has the capacity to allow them to provide robust contract management systems once the contracts have been let? NOMS recognised the importance of good contract management and said that they felt they had the resource to enable them to do this.
- During stage one, prime providers will be required to say who they intend to subcontract. Organisations spoke about the importance of contract management processes being in place to ensure subcontracted organisations receive fair treatment.
- **VAT exemption:** Another organisation asked if these services are VAT exempt? They received advice from NOMS but it isn't clear if their bid needs to include VAT or not. In response, Pact said that their bids will be based on the assumption that they will be VAT exempt. Two years ago they received a ruling from HMRC which highlighted that their non-commercial service should be VAT exempt as they seek to meet the needs of distressed individuals.

Action: NOMS will seek clarification as to whether these services will be VAT exempt.

Action: Andy to send Richard Nicholls the letter from HMRC that clarifies whether services should be VAT exempt or not which he agreed to circulate to the rest of the group.

- **Prime provider:** There was discussion amongst the group as to what would constitute a prime provider. If an organisation only wanted to provide services in one prison would they be classified as a prime? NOMS said that even if you are bidding to provide services in one establishment you will be classified as a prime provider and will need to complete the pre-qualifying questionnaire. A cluster can also be one establishment.
- It is only the prime provider who will be required to complete the pre-qualifying questionnaire. Any organisations that will be looking to be sub-contracted will not need to do this.
- **Clarity of areas bid for:** During the first stage of the commissioning process organisations will need to make it clear which region they are interested in providing services for, and which cluster within that region. It is important that this is made clear at the beginning of the process. Organisations highlighted that as they do not yet have a specification, it is challenging for them to make a decision about if and where they bid.
- One organisation said that during the roadshows they were told that if they would need to demonstrate that they had the financial capacity to deliver services to support the whole region, even if they were only bidding to deliver services in a cluster. They asked for clarification about this as it would serve as a barrier to them bidding to deliver services.

Action: NOMS will ask colleagues for clarification as to whether organisations need to demonstrate financial capacity to deliver services for a whole region, even if they are not bidding for that geographical area.

- NOMS highlighted that prison governors are likely to be engaging with experts to help them determine what services they feel their establishment will benefit from. There is a risk that some organisations bidding will overpromise what they are able to deliver for the money they will receive. To help mitigate for this there will be more than one person from NOMS evaluating the bids.
- Organisations asked if NOMS will be introducing a market cap for the services.
- **Redundancy:** If organisations need to make people redundant because they have been unable to secure the services they are presently delivering, who is liable for that? There is a possibility that money needed to do this would be taken out of the funds the organisation would have to deliver the new families services.
- **Reform prisons:** Organisations asked if reform prisons would be part of this commissioning process? NOMS said that they could commission services at any time but they would need to use this commissioning process. However, some organisations had already been commissioned by reform prisons to deliver family services in their establishments and organisations highlighted that reform prisons do not feel that they are part of this process.

Action: NOMS will clarify whether reform prisons will need to follow the commissioning process they have developed.

- The notification for stage one of the process is due to be released on Monday 9th January 2017.

Action: NOMS to send details of the notification to Richard so he can circulate it to members of this group.

- The group thanked NOMS for their time and for enabling the group to inform the commissioning process. NOMS staff have found the process to be a helpful learning experience and will look to meet with members of the group in the future.

Action: Richard to coordinate another meeting with the group and NOMS staff. This will most likely take place during the contract management stage.

Voluntary sector only discussion

- Organisations said there were lessons to be learnt about this procurement process. The total value of the contracts is £6 million but the procurement process has taken place in a way that they felt was disproportionate to the funds that were available for organisations.
- As this group acts as a SIG for the RR3, it might be possible for the group to pull together a paper for the main RR3 group which explores standards for procurement processes, including a focus on quality and appropriate contract management.

Action: Richard and Diane will discuss the development of a paper to be submitted from the SIG to the main RR3 group.

Update about the Farmer Review into family ties

- All the fieldwork has taken place and the task group meetings will come to an end next week.
- During the fieldwork stage over 10 establishments were visited and 400 people in prison, and their families, engaged in the review. One organisation asked if the information from the review was going to be made available and sent to the people who took part and submitted evidence.

Action: Diane will speak to the Farmer Review task group to see if the findings and recommendations from the review will be sent to the families and people in prison who submitted evidence.

- There was a stakeholder event in December where the Secretary of State for Justice, Liz Truss, spoke about the review and its importance. She was really supportive of the work, as was Iain Duncan Smith who also spoke. They both stayed after their speeches to speak to stakeholders.
- The final report is due to go to the Ministry of Justice at the end of January 2017 and will broadly follow the structure of the White Paper entitled *Prison Safety and Reform*. It isn't clear yet how quickly the government response will be published.
- One of the main themes from the information they submitted is the importance of the decency agenda and treating people with respect and dignity.
- The recommendations are likely to include increased IT access and appropriate private contact.
- Lord Farmer does not see the report as the end of the process and is committed to taking the work forward.
- HM Inspectorate of Prisons is consulting on their inspection framework. Organisations highlighted the importance of linking that work with the findings from the Farmer Review. Clinks is hosting consultation events to enable the voluntary sector to engage with the process. Details of the consultation events have been displayed on the Clinks website.

Formation of the group

- This group has been constituted as a Special Interest Group (SIG) under the RR3 group to enable a clear focus on the commissioning process. The SIG will end in March (the main RR3 group will continue to meet) and there was discussion about whether members of the group would find it valuable to continue to meet.
- Clinks is also conducting a review of its families work and is consulting with families organisations. This work is still in progress and the outcome will in part determine how and if this group meet in the future.