

July 2019



CLINKS  
RESPONSE

## Social value in government procurement

Clinks' response to the Cabinet Office and Department for Digital, Culture, Media and Sport consultation

### About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the CJS and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 13,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.

Clinks manages the National Criminal Justice Arts Alliance, a national network of over 800 artists, arts organisations and criminal justice practitioners using creative approaches to reduce reoffending. We also support a network of women's centres and specialist women's services working in the CJS.

### About this response

Our response to the government's Civil Society strategy recommended that social value should be integrated into commissioning decisions, for example by purchasing from organisations that improve the reintegration of people with a history of offending by tackling the stigma of criminal convictions. We therefore welcome this opportunity to feed into how government should take account of social value in the award of central government contracts.

Our response focuses specifically on the impact that procurement has had, and may have in the future, on voluntary organisations working in criminal justice. It draws heavily on Clinks' trackTR research, undertaken in partnership with NCVO and the Third Sector Research Centre into the impact of the Transforming Rehabilitation reforms on the voluntary sector.

In addition we wish to highlight and lend our support to the joint response submitted by the National Council for Voluntary Organisations (of which Clinks is a member), Charity Finance Group and Small Charities Coalition.



# Do you agree with the proposed policy metrics in the model in the attached annex? Do you have examples of such metrics being successfully used in public procurement?

Clinks is supportive of the themes and policy outcomes proposed. We welcome the focus within the proposed on both prime and subcontracting opportunities.

However we would caution that the outcomes proposed are not binary and a metrics approach to their evaluation will not provide sufficient understanding of the extent to which they are achieved.

## Diverse supply chains

The voluntary sector is wide and diverse. Over 1,700 voluntary organisations specifically work in the criminal justice system and many more work with people in contact with the system as part of their wider work. Organisations range from volunteer-led groups to large, multi-million pound organisations with thousands of staff. Many have both paid staff and teams of volunteers. The majority are small and work in their local community, but others serve larger areas, including the UK and beyond. Some specialise in meeting the needs of a particular groups of people, for example women, older people or people from particular ethnic groups, and in many cases those organisations are also led by people from those groups. There are also organisations set up and led by people with lived experience of the CJS.

Therefore, while aiming to achieve supply chains that are accessible to all types of businesses including SMEs and VCSEs is welcome, we would suggest that this outcome is expanded to include: specific reference to both large and small voluntary sector organisations, those led by underrepresented groups (as is currently referenced with regards to businesses), and those led by experts by experience.

In addition evaluating the number, value and percentage spend of contracting opportunities won by SMEs and VCSEs, as proposed, will not provide a sufficient picture of the extent to which this wide range of organisations in both size and specialism, and the variety of expertise and social value they bring, is involved in supply chains.

We welcome the inclusion of metrics around pre market engagement and activities to create a diverse supply chain. It is necessary to not only measure the quantity of such activity and engagement but also its quality. In our work with the Ministry of Justice to support the development of a future probation model, and address many of the challenges that the Transforming Rehabilitation programme presented to the voluntary sector, we have advocated for evaluation of contractors' previous track record working with the voluntary sector. This would be a welcome addition to the evaluation model.

We have also highlighted the importance of activities which support the local eco-system of voluntary organisations. This includes refraining from activities which might undermine that eco-system, such as contracts which are too large or require service delivery over too great a geographical area for established local organisations to compete against larger non local organisations.

It also might involve activity to support specialist organisations with specific skills and expertise needed to meet the needs of certain groups. For instance, as highlighted by *The Lammy Review*,<sup>1</sup> black, Asian and minority ethnic (BAME) people are over represented and experience



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poorer outcomes in the CJS. BAME led organisations have specific networks and expertise to meet the needs of this group. However, a report by the Baring Foundation on BAME voluntary sector organisations found that, "funding for BAME organisations is around half the average, surveys of BAME groups indicate they are experiencing more rapid reductions in their funds than mainstream charities."<sup>2</sup> Indeed, Clinks' State of the Sector research has shown that BAME organisations working in criminal justice are more likely to be at risk of closure than others, and this is despite their services users being more likely to present with increasingly complex needs.<sup>3</sup>

It is therefore paramount that such organisations receive resource and support to develop and grow and such activities should also be included as an example of activities to create diverse supply chains. Specific activities which might be included in this include providing grant funding rather than contracts, training opportunities and providing funding to back fill staff time to attend strategic level meetings.

## Skills and employment

We welcome the focus on skills and employment, but suggest that the possible award criteria could be expanded to include an additional focus on the creation of employment and skills opportunities for people excluded from the employment market, including those in contact with the CJS or who have a criminal record. There are over 11 million people in this country with a criminal record. Despite compelling evidence that employment is a leading factor in reducing reoffending, only 17% of people are in PAYE work a year after coming out of prison<sup>4</sup> and 75% of employers say they would discriminate against someone with a criminal record.<sup>5</sup>

Including specific reference to this group would support the Ministry of Justice's 2018 Education and Employment Strategy, its work placement scheme the New Futures Network, and recently announced revised rules regarding Release on Temporary License to allow more opportunities for prisoners to work and train with employers while serving their sentence and increase their chances of securing an immediate job on release. A particular example of how this might be realised through a contract is if contracts for new prisons provided employment and skills opportunities for prisoners and ex-prisoners.

## Inclusion, staff mental health and wellbeing

The suggestion above regarding employment and skill opportunities for people in the CJS or with criminal convictions would also support the policy outcomes of encouraging more cohesive communities. The CJS, and prisons in particular, have a tendency to be inward looking places, isolated from wider communities. However, people in contact with the CJS inevitably complete their sentences and, if they are able to desist from crime and go on to live fulfilling lives, they require support to reintegrate and resettle in local communities and employment plays a significant part in this.

## Do you agree that the proposed minimum 10% weighting for evaluating social value in the bid is appropriate?

As highlighted by NCVO, a percentage weighting is not the most suited to measuring social value. It is also difficult to assess the appropriateness of this percentage without further information on the rationale behind it.



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In discussions with the Ministry of Justice we have advocated for significant weighting to be given to both social value and other considerations such as equalities, but we understand that decisions around weighting tend to be taken, in part, in relation to the weighting given to other criteria, including price. It is therefore difficult to assess, in isolation, whether 10% weighting for social value is appropriate.

## Does the proposed approach risk creating any barriers to particular sizes of types of bidders, including SMEs or VCSEs? How might these be mitigated?

As highlighted above, the voluntary sector is wide and diverse. Organisations working in criminal justice tend to be smaller and more locally based, compared to the wider voluntary sector. There are also organisations with specific specialisms which are particularly important to meeting the needs of people in contact with the CJS. This includes BAME organisations and women centred organisations, which provide holistic and flexible support to meet the distinct needs of women in the CJS and, who we know from our trackTR research,<sup>6</sup> were effected more negatively by the Transforming rehabilitation reforms.

If the proposed approach does not specifically highlight the need to ensure that supply chains are accessible to these organisations, and instead treats the voluntary sector as homogenous, it is likely that these organisations will miss out.

As highlighted in NCVO's response, the rigid and standardised nature of the policy metrics naturally caters for larger organisations with more infrastructure, policies and processes to demonstrate how they meet each of the criteria. Smaller voluntary organisations, which make up the majority of those working in criminal justice, may have less time and resource to demonstrate how they are meeting each of these criteria.

NCVO also highlight in their response that, in the case of supply chains, there is a danger that voluntary organisations will be used as 'social value bid candy' to demonstrate particular areas of social value but not be used as promised throughout the contract itself. This was a significant issue for the Transforming Rehabilitation contracts. The 'Black box' contracts were designed to give Community Rehabilitation Companies (CRCs) flexibility and encourage innovation so that a range of services could be brought into supply chains in support of reducing reoffending. Instead, they allowed CRCs to include far less voluntary sector organisations in their supply chains than most of them initially outlined in their bids. In order to address this we made the following recommendations<sup>7</sup> aimed at improving transparency of supply chains:

- Details of supply chains should be published on a quarterly basis
- Annual audits of supply chains which include assessing the experience of organisations within supply chains and collecting and sharing good practice as well as poor, should be conducted and published.

The Transforming Rehabilitation experience highlights that achieving social value will not be achieved solely through policy metrics for the evaluation of bids. These metrics must also be embedded in the ongoing contract management process.



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# How can we ensure government's existing procurement policy mandates take precedence in designing procurement?

We support NCVO's view that there should be no inconsistency between the government's commitment to social value and its existing procurement mandates. Social value should be embedded throughout all existing procurement mandates, as a factor that will contribute to their successful achievement.

Clinks have been particularly heartened by the Ministry of Justice probation review team's approach, which has seen the development of a voluntary sector strategy as part of the ongoing development of the procurement approach. As far as we are aware this is the first time such an approach has been taken and it might provide an opportunity for learning and to embed consistency across government departments.



**Clinks supports, represents and advocates for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.**

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## End notes

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1. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/643001/lammy-review-final-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf)
2. *ibid*
3. [www.clinks.org/publication/state-sector-2018](http://www.clinks.org/publication/state-sector-2018)
4. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/710406/education-and-employment-strategy-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710406/education-and-employment-strategy-2018.pdf)
5. [www.theguardian.com/sustainable-business/2015/oct/15/exclude-criminal-records-from-job-applications-companies-urged](http://www.theguardian.com/sustainable-business/2015/oct/15/exclude-criminal-records-from-job-applications-companies-urged)
6. [www.clinks.org/publication/under-represented-under-pressure-under-resourced](http://www.clinks.org/publication/under-represented-under-pressure-under-resourced)
7. [www.clinks.org/publication/under-represented-under-pressure-under-resourced](http://www.clinks.org/publication/under-represented-under-pressure-under-resourced)