



# **Community Justice Scotland**

Ceartas Coimhearsnachd Alba

Community Justice  
Strategic Commissioning Framework

Briefing Paper

August 2018

## Overview

The National Strategy for Community Justice<sup>1</sup> identifies strategic, collaborative planning and delivery of services as a priority, alongside better access to the services people need, and improved use of evidence-based, effective intervention. To support these priorities, Community Justice Scotland is leading on a Strategic Commissioning Framework for the new model of community justice in Scotland.

This briefing is for all involved in community justice. It explains what strategic commissioning is about, why it is important, how it informs existing work, and how partners can support the Framework's development.

### Key Messages

- Community Justice Scotland is developing an outcome-focussed strategic commissioning framework, with people using and delivering services.
- Strategic commissioning is a partnership activity for 'the shared assessment of and forecast of needs, linking investment to outcomes, considering options and supporting partners to plan the nature, range and quality of future services in support of community justice outcomes.'<sup>1</sup> Procurement / purchase of services is a part of commissioning.
- Strategic commissioning will help local Community Justice Partnerships to meet their legislative duty to plan, co-ordinate and potentially fund activities together<sup>1</sup>, implement the Christie Commission principles and the Four Pillars of Public Service Reform.
- The aim is to enable better access and outcomes from the services people need, by understanding 'need' and using strategic partnership working to ensure services are best configured to meet it wherever they live in Scotland.
- The framework will include a universal, long-term process for use locally, regionally or nationally, with services that are both public sector provided and 'purchased'. It will be published in 2019 (quarter one).

### Key Actions with partners

- Translate to your area: begin to consider what strategic commissioning can achieve and how you will implement it.
- Save the date: online and workshop consultation on the Framework will take place mid-October to mid-November, over 4 weeks. Note the date with colleagues to plan collective and / or organisational input.

## 1. What is commissioning? Definitions and terms

Commissioning is often used to mean different things, so definitions are outlined below to support a common understanding. Often people think it is the same as procurement, or just the process of 'buying in' services.

Commissioning is the full process of planning, delivering and evaluating/improving a needs-led, outcome focussed service. Procurement is a part of commissioning– where the service specification, purchase, contracting and contract management happen. In this paper and for clarity, the term 'procurement' is used to describe all processes and routes of 'buying in' services, including tendering, service agreements, and voluntary contributions.

Previously, community justice commissioning was described as: 'supporting the shared assessment of and forecast of needs, linking investment to outcomes, considering options and supporting partners to plan the nature, range and quality of future services in support of community justice outcomes.'<sup>ii</sup>

Strategic commissioning in community justice requires a partnership approach to a range of activities, including needs assessment, strategic planning, resource allocation and service design. It includes service development and performance management - at local, regional or national levels. It is about configuring services to meet need, and understanding and using all available resource to improve outcomes, in the most effective and efficient way. It also involves procurement, if services are bought in. When these activities happens on a multi-agency basis, it is called 'joint' or 'collaborative' commissioning – when two or more partners work together in the process.

Collaborative commissioning can take place in different ways within an overall strategy. This might occur where, for example, there are providers working across geographical areas, or where political support enables change. Similarly, arrangements can be made between different partners within a partnership area – across statutory, non-statutory, third and private sectors, or between Community Justice Partnerships, for example.

Integrated commissioning occurs when a single set of objectives or outcomes, actions and decisions are arrived at through a single network.

## 2. Why is commissioning important?

Strategic commissioning in community justice will support adoption of the Christie Commission principles: **empowering and involving people** in decisions about design and delivery, partners **working more closely to integrate provision** for better outcomes, prioritising expenditure on **preventing negative outcomes**, and taking a **whole systems approach to improved efficiency**.<sup>iii</sup>

The Framework will provide a consistent, universal process for strategic planning and delivery in community justice that adopts these principles, and the four pillars of public service reform: building systems and services around **people**, **prevention** and early intervention; **performance** focus and continuous improvement; using and empowering **partnerships** to best effect, including through collaborations across the public, third and private sectors with communities.<sup>iv</sup>

In community justice, the Framework will provide the process through which Partnerships' can maximise collaborative efforts towards the National Strategy for Community Justice priorities:

- Improved community understanding and participation
- Strategic planning and partnership working (with people, communities, partners and third, private and independent sectors)
- Effective use of evidence-based interventions
- Equal access to services.<sup>v</sup>

It will provide the basis for partnership approaches to developing future Community Justice Outcome and Improvement Plans' (CJOIPs), as well as annual impact and performance reporting including across a range of Quality Indicators (e.g. Quality Indicators 6, 8.1,8.2 and 9).<sup>vi</sup>

## 2.1 Reducing inequalities

The needs of the population in the Scottish justice system have been reported extensively, and include for example, income inequality, substance misuse, instability in housing, loss of trust, and mental health.<sup>vii</sup> Community Justice partnership arrangements offer the opportunity to work together strategically to take a systemic, holistic approach to increasing prevention and earlier intervention.

Three areas have been highlighted where community justice partners' can take action collaboratively against inequalities:

1. increasing the opportunities for earlier intervention
2. mitigating the impact of offending and sentencing
3. building resilience and sustaining change.<sup>viii</sup>

## 3. The commissioning cycle and summary

Commissioning is often presented as a cycle, that focusses at every stage on the people services intend to help. It begins with an **analysis** stage, where need is defined and understood in the context of strategic outcomes, available resource, legislation/policy/evidence and existing services. The following stages involve **planning**, **delivery** and **review**, with **procurement** delivering related functions of the cycle in purchasing, contract management and evaluation.

The following diagram shows the commissioning cycle being used for Community Justice. Each stage is as important as the other, and should follow in sequence. A core principle is that people using and needing services are at the heart of all activity.<sup>ix</sup>



Source: Scottish Government and Joint Improvement Team (2012)<sup>x</sup>

Activities undertaken within each stage are summarised below.

### 3.1 Stage 1 – Analyse

Understanding ‘need’ is a crucial first step in commissioning and should be done in the context of strategic outcomes, available resource, existing services and the level to which current provision helps them be achieved.

Need should be considered in a number of ways, and be informed by different data sources. These include population need and demand of services in achieving community reintegration, preventing and reducing (re)offending, as well as how both may change in future. Multiple, complex, additional and equality and diversity needs should also be considered, alongside barriers to accessing services. Strategic Needs and Strengths Assessments (SNSAs) undertaken to date will have begun this process, and will continue to improve as joint definitions of priorities, need, service mapping, and available resource develop in partnership.

Resource mapping supports an understanding of how the best possible services can be provided, and includes consideration of best use of resource, including people, buildings and budgets. It enables understanding of strengths and weaknesses in provision and potential improvement or change. Similarly, cost and performance information data availability is important and has been previously been identified as an important factor in better understanding justice system inefficiencies and variation<sup>xi</sup>.

Assessment of the legislative, policy and evidence landscapes help with defining the scope of commissioning activity, forecasting need and how well existing provision can adapt to changes in population size, profile and needs (e.g. through Diversion from Prosecution or Presumption Against Short term Sentencing<sup>xii</sup>). In parallel, knowing ‘what

works' to prevent and reduce (re)offending provides an important way of assessing the effectiveness of existing provision.

### **3.2 Stage 2 - Plan**

The findings and conclusions from stage one allows a gap analysis to be done: an assessment of how well current service design and delivery supports the achievement of strategic outcomes, and aligns to the evidence of what works. Knowing the needs of the population to prevent and reduce reoffending will allow a focus on priority action areas for future allocation/alignment of resource across partnerships. It can highlight areas of duplication, bottlenecks and opportunities for improvements to better resource alignment and effectiveness. This gap analysis allows the development of a commissioning strategy, a plan for improvement across the system, and in turn informs service design and delivery.

### **3.3 Stage 3 – Deliver**

Delivery involves three key components: market (and/or provider) development, capacity building, and management of relationships. It involves close working with relevant partners to ensure that the services required are developed and available as planned. It includes a definition of standards to be achieved/quality criteria, establishing good communication and working relationships with existing and potential providers and at times, decommissioning services. It may also include innovations and developments, and capacity building along the way.

### **3.4 Stage 4 – Review**

A strategic review seeks to answer the questions, 'What has the impact been? How well have we achieved what we planned to do, and how can we do better?' It requires a bringing together of relevant data, as well as any changes to conditions such as legislation, population need, and new evidence of 'what works' that allow an understanding of effectiveness to be reached. This in turn enables identification of any necessary changes to strategic priorities and targets, and should include processes for securing and using feedback from service users, [significant others], and providers. Findings should form part of a cycle of evidence development and use in improvement activities, and will feed into annual reporting and self-evaluation mechanisms.

## **4. The procurement cycle**

Procurement and contracting (including all the different routes to 'buying in' services) takes place for particular services or service areas and with single or multiple providers. The cycle follows the same stages as strategic commissioning and while it is driven by that, procurement also informs it.

Procurement planning is the first stage in the cycle, as it is informed by the Analyse and Plan stages of commissioning. It involves the creation of a purchasing and contracting plan, i.e. the best way to buy indirectly provided services, to achieve the commissioning strategy goals. Delivery involves the arrangement and putting in place of services, and developing good relationships with providers, building on input from earlier in the commissioning cycle. Agreed performance reporting measures and processes are in place, defining what 'success' looks like in terms of quality and outcomes, and informing the contract monitoring process that takes place across the review stage. The 'analyse' stage of procurement involves a review across existing, contracted provision that feeds

back into commissioning and allows an understanding of, for example, changes in providers, pressure points, whether data collection is as good as possible and whether contract performance has achieved its intended outcomes.<sup>xiii</sup>

Guidance issued to date has indicated that where services are to be procured in Community Justice, responsibility will lie with local areas, or where benefits can be achieved, by creating shared services locally, nationally (or regionally); associated processes will be located with the appropriate body<sup>xiv</sup>.

## 5. Skills, roles and capacities

The adoption of the Strategic Commissioning Framework in Community Justice will involve new ways of working across partners, with new relationships and roles, skills and behaviours.

Four key areas have been identified as core to successful joint commissioning: leadership and governance, management, production and partnership<sup>xv</sup>. These involve:

**Leadership and Governance** – requiring the necessary seniority and skill to lead and oversee strategic commissioning activities.

**Management** – involving operational design and delivery of arrangements, ensuring effective engagement with and by partners, including service users and the community.

**Partnership** – achieving commitment and buy-in to achieving the best outcomes for people using services, over and above organisational (or other) boundaries; contributing to a range of activities e.g. needs analyses, evidence-based service development and procurement and contracting.

**Production** – working within a partnership to produce, implement and monitor joint commissioning plans, and involving effective pooling of skills and resources across people delivering services to ensure that ‘commissioning plans really do reflect priorities across the whole system which will best help to deliver the best possible outcomes’.<sup>xvi</sup>

## 6. The Strategic Commissioning Framework output

The Strategic Commissioning Framework will include a translation of the commissioning cycle to community justice in Scotland, building on partner contributions and taking an evidence- and inequalities- informed approach. It will be a universal, generic process for community justice use either locally, regionally or nationally, by which partners can achieve a shared understanding of need and how to meet them within available resource.

The Framework will not make decisions about resource allocation, or about the procurement routes to putting particular service in place. It will provide the principles and the process for partners to follow to identify available resource and the best routes to configuring (and where appropriate, procuring) services to meet need.

To support development of the Framework, wide engagement is taking place across statutory, non-statutory partners, as well as with wider stakeholders.

## 7. Timescale

The Strategic Commissioning Framework will be finalised early 2019. Delivery will involve four key phases:

- 1 Roundtable events with community justice partners (to mid-September)
- 2 Developing the Framework (mid-September-early October)
- 3 Consultation with partners on the Strategic Commissioning Framework – via online consultation and a limited number of workshops (mid-October-mid-November) **please note these dates to inform your planning**
- 4 Completion of the framework (November-December, with publication in quarter one of 2019, post Health Inequalities Impact Assessment).

## 8. Roundtable contributions September 2018 – guide questions for input

To create an effective process for collaborative strategic commissioning in community justice, we want your input to make the most of this opportunity. The following questions are provided to guide your preparation for roundtable discussions with a signpost to how these will be covered, to support your preparation. These are the key areas that we will cover in discussions.

### **Vision**

1. What is your **vision** for Strategic Commissioning in Community Justice?
  - a) What are the key values underpinning success?

*We will ask attendees to share short responses. Use the attached spider diagram template and if you wish, you can leave this with facilitators.*

### **Process development**

2. How do you see the ideal strategic commissioning working in practice, at each stage of the cycle?
  - a) 'Analyse'
  - b) 'Plan'
  - c) 'Deliver'
  - d) 'Review'
  - e) ...and informing development and delivery of 'Procurement'?

*Group discussion.*

### **Implementation**

3. What will effective accountability, leadership, production and management look like – and what needs to be in place?

*We will ask attendees to share short responses.*

4. In terms of capability or capacity, what do you need to deliver successful strategic commissioning?

*We will ask attendees to share short responses.*

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- <sup>i</sup> Scottish Government (2016) (Available at <https://www.gov.scot/Publications/2016/11/5600/downloads>)
- <sup>ii</sup> Scottish Government (2014) *Guidance to local partners on the new community justice model* p31 (Available at [http://www.gov.scot/Resource/0046/00466082.pdf?\\_ga=2.200515691.436101468.1532359311-617033436.1531999200](http://www.gov.scot/Resource/0046/00466082.pdf?_ga=2.200515691.436101468.1532359311-617033436.1531999200))
- <sup>iii</sup> Scottish Government (2011) *Commission on the Future Delivery of Public Services* (Available at: <https://www.gov.scot/Publications/2011/06/27154527/0>)
- <sup>iv</sup> Scottish Government (2017) *Renewing Scotland's public services: priorities for reform in response to the Christie Commission* (Available at: <https://beta.gov.scot/publications/renewing-scotlands-public-services-priorities-reform-response-christie-commission/>)
- <sup>v</sup> Scottish Government (2016) *The National Strategy for Community Justice* (Available at <https://www.gov.scot/Publications/2016/11/5600/downloads>)
- <sup>vi</sup> Care Inspectorate (2016) *A guide to self-evaluation for community justice in Scotland* (Available at: <http://www.careinspectorate.com/images/documents/3551/Community%20Justice%20self%20evaluation%20guide.pdf>)
- <sup>vii</sup> NHS Health Scotland (2017) *Inequality Briefing 9 – Community Justice* (Available at: [http://www.healthscotland.scot/media/1530/new\\_inequalities-briefing-9-community-justice\\_agust2017\\_english.pdf](http://www.healthscotland.scot/media/1530/new_inequalities-briefing-9-community-justice_agust2017_english.pdf))
- <sup>viii</sup> NHS Health Scotland (2016) *Reducing offending, reducing inequalities Achieving 'better health, better lives' through community justice* (Available at: [http://www.healthscotland.scot/media/1528/reducing-offending-reducing-inequalities\\_aug2017\\_english.pdf](http://www.healthscotland.scot/media/1528/reducing-offending-reducing-inequalities_aug2017_english.pdf))
- <sup>ix</sup> National Audit Office (2011) *Successful Commissioning Toolkit* (Available at: <https://www.nao.org.uk/successful-commissioning/general-principles/principles-of-good-commissioning/>)
- <sup>x</sup> Institute of Public Care (2012) *Joint Strategic Commissioning Learning and Development Framework* (Available at: [http://ipc.brookes.ac.uk/publications/pdf/Learning\\_Development\\_Framework.pdf](http://ipc.brookes.ac.uk/publications/pdf/Learning_Development_Framework.pdf))
- <sup>xi</sup> Audit Scotland (2011) *An overview of Scotland's criminal justice system* Audit Scotland: Edinburgh
- <sup>xii</sup> Scottish Government (2017) *The Government's Programme for Scotland* (Available at: <https://www.gov.scot/Resource/0052/00524214.pdf>)
- <sup>xiii</sup> Institute of Public Care and Care Services Improvement Partnership (2012) *Key Activities for Social Care Commissioning* (Available at: [https://www.scie.org.uk/publications/guides/guide45/files/Workshop\\_Handout\\_1\\_IP\\_Commissioning\\_Framework\[1\].pdf?res=true](https://www.scie.org.uk/publications/guides/guide45/files/Workshop_Handout_1_IP_Commissioning_Framework[1].pdf?res=true))
- <sup>xiv</sup> Scottish Government (2016) *Guidance to local partners on the new community justice model* (Available at: <https://beta.gov.scot/publications/guidance-local-partners-new-model-community-justice/>)
- <sup>xv</sup> Institute of Public Care (2017) *Leading Integrated and Collaborative Commissioning* (Available at: [http://ipc.brookes.ac.uk/publications/pdf/Leading\\_Integrated\\_%26\\_Collaborative\\_Commissioning.pdf](http://ipc.brookes.ac.uk/publications/pdf/Leading_Integrated_%26_Collaborative_Commissioning.pdf)); Scottish Government (2012) *Strategic Commissioning Learning and Development Framework* (Available at: [https://ipc.brookes.ac.uk/publications/Learning\\_Development\\_Framework.pdf](https://ipc.brookes.ac.uk/publications/Learning_Development_Framework.pdf))
- <sup>xvi</sup> Institute of Public Care (2017) *Leading Integrated and Collaborative Commissioning* (Available at: [http://ipc.brookes.ac.uk/publications/pdf/Leading\\_Integrated\\_%26\\_Collaborative\\_Commissioning.pdf](http://ipc.brookes.ac.uk/publications/pdf/Leading_Integrated_%26_Collaborative_Commissioning.pdf))



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