



Community Justice Scotland

Ceartas Coimhearsnachd Alba

Community Justice Strategic Commissioning Guidance

EXECUTIVE SUMMARY

CONSULTATION DRAFT

July 2019

Introduction to Executive Summary

The development of the accompanying Guidance documentation was a requirement of the National Strategy for Community Justice. In that document it was accepted that improvement would be driven by a "Strategic Approach to Commissioning". This work has been completed with input from partners across Scotland for which we are grateful.

Some local partnerships may already be using this process and may already be designing and commissioning services, others may be at an earlier stage of development. It is important to remember that this is a new model of working and your partnership is likely to still be developing, identifying what your priorities are in further reducing reoffending, and how you are going to improve the service you provide.

However, this should not be viewed in isolation. Partnerships are already involved in the preparation of local Community Justice Outcome and Improvement Plans (CJOIPs) and CJS will be working with our partners to roll-out the Strategic Needs and Strengths Assessment. This will assist with identification of data and services and inform the development of the revised Outcomes, Performance and Improvement Framework (OPI Framework) which provides the basis of our Annual Reporting of performance of Community Justice Partnerships (CJPs). This approach is also familiar to Community Planning Partnerships (CPPs) whose challenge through strategic partnerships and commissioning is to meet the National Performance Outcomes within their area. The delivery of Community Justice is but one part of that task.



What is Strategic Commissioning?

In Community Justice we already deliver a range of services. Some of these have been delivered by Criminal Justice Social Work, by the third sector or by other agencies for many years. Other services are relatively new and some innovative. They should all have one thing in common – that they help meet the needs of the individuals for whom they are designed. Ideally, the work undertaken will be evidence based and effective. However, many of our services have developed over the years in response to perceived need and perhaps were not planned as if we were starting with a blank sheet of paper. The Strategic Commissioning approach is about partners working together in their local area to jointly identify what services people need over the long term to reduce (re)offending and then arranging the best possible provision using the resources available which may, of course, not be held by just a single agency or partner.

At its simplest, commissioning involves all activity to find out what people need from services and put the best provision in place to meet it, within available resource. By 'people' we mean all those in and on the edges of the justice system.

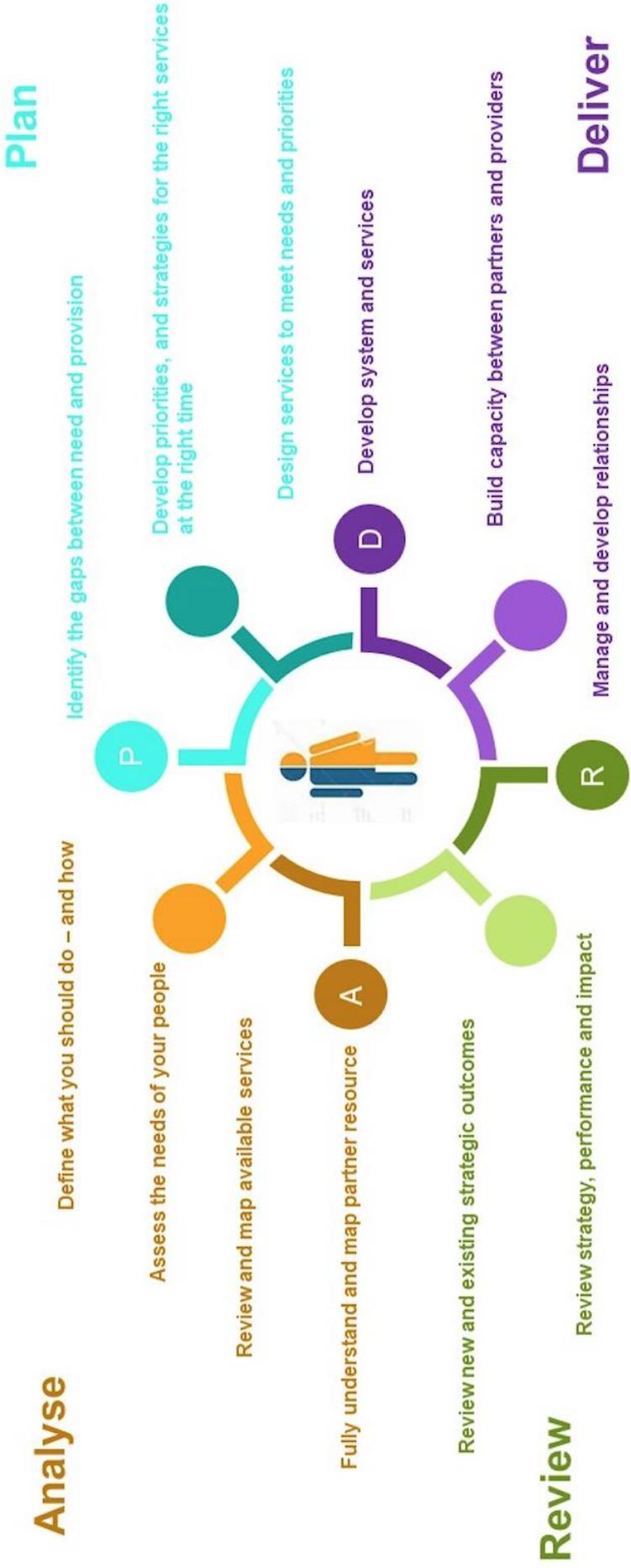
To deliver the best for the people of Scotland we have to identify and understand need, examine what the evidence tells us about the most effective way to meet it, consider what services could look like and put the best options in place. We need to oversee and continually improve delivery. Finally, we have to evaluate what we have done to see how effective we have been. Effective delivery will enable community justice partners to deliver across a range of national policy priorities to improve outcomes and meet their duty to plan, co-ordinate and fund activities together in the most effective possible way. The commissioning approach may involve the reconfiguring of existing resources and services to address identified need, and sometimes may involve developing services that are delivered through procurement, grant, or other types of contracting.

Over the next few pages we describe the four elements of the commissioning process (or 'cycle' – because it is ongoing) and look at some of the other matters that need to be in place to ensure the process works well.





The Strategic Commissioning Model



Analyse



Before starting it is critical to ensure there is a shared vision and purpose in place across partners about the strategic outcomes you are trying to achieve.

Analysing involves gathering information that will help to identify and agree what people need from services, what resources are available and the most effective types of provision. It is crucial to gather high quality information to enable sound decision-making about the best use of resource later in the process. As with all stages, it is important to involve people and partners throughout to ensure robust products and collective support for their use in onward decision making. Given the breadth of possible community justice populations, pathways and services, it is helpful to scope the range of activities involved at the outset, recognising work within this stage will take time and resource to achieve well.

In the Analyse stage:

- fully understand and map partner resource: includes people, expertise, finance and property across all organisations and partners.
- review and map available services to assess how well current provision aligns to people's needs.
- assess the needs of your people to identify which outcomes need to be improved. This is a crucial piece of work in developing a strong long-term strategy (e.g. CJOIPs), evidencing informed strategic objectives and deciding how to achieve greatest impact within available resource.
- define what you should do – and how: drawing on legislation, guidance, and taking into account local priorities. The evidence base identifies the most effective interventions to meet people's needs and should inform investment decisions.



Plan



The purpose of the Planning stage is to create a long term strategy outlining priorities, how services will be put in place and their quality and impact measured. It aims to close any gap between what people need and the most effective possible services to meet that.

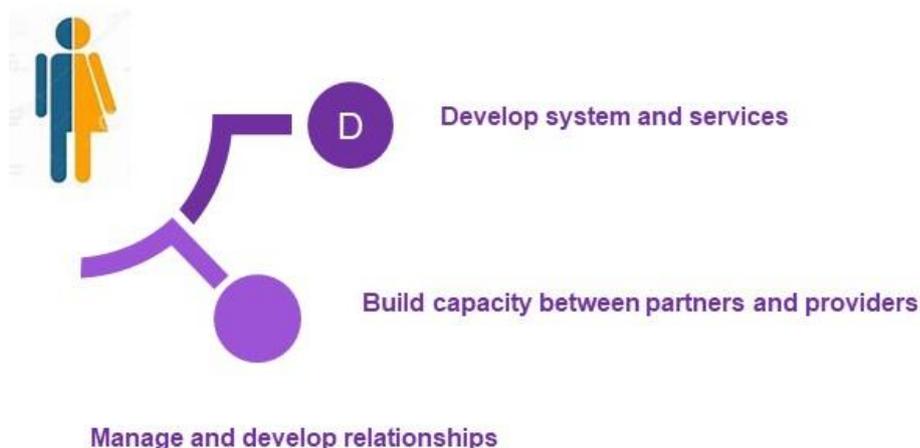
Community Justice Partnerships already outline how they will meet both national and local community justice outcomes through their Community Justice Outcome Improvement Plans (CJOIPs). Statutory partners are jointly responsible for their development, implementation and review and have a duty to involve the third sector in their preparation. Input from all community justice partners is necessary to meet the range of people's needs.

In the Plan stage:

- identify the gaps between need and provision: using the material gained during the first stage, undertake a gap analysis to identify how well current services meet people's needs.
- develop priorities and strategies for the right services at the right time: this is the development of the 'commissioning strategy', deciding on priorities, identifying which services will be put in place to meet priorities and how (including continuing, expanding, reducing, stopping, creating new or re-designing services), and how to improve access.
- design services to meet needs and priorities: detail of service design should be supported by evidence identifying characteristics of effective models of delivery, for whom they are intended to benefit, where needed, timescales, performance measurement, and implications for service design and delivery. These might include purchasing or procurement where appropriate.



Deliver



This stage is about developing processes and structures for service delivery, quality assurance and continuous improvement. It is important to create a learning culture between commissioners, partners and providers. This will support and enable innovation and improvement. Working together strategically and operationally across partners, and with people using services, will help to achieve the best possible outcomes.

During delivery it is also important to continue to develop relationships between commissioners, providers/practitioners and people using services. This will enable a clearer understanding of how well delivery is meeting need and any problems to be quickly resolved.

In the Deliver stage:

- develop systems and services: ensure there are processes for monitoring and improvement: including accountability, demonstrating impact and achievement of outcomes, quality, value for money and any contract terms.
- build capacity between partners, providers and practitioners: through collaboration and trust, open and honest discussions and sharing problems and solutions and best practice.
- manage and develop relationships: active management of services and continuing to develop services is key to ensuring good delivery. It also helps to inform thinking about what improvements might be necessary in future cycles of commissioning. Good management will necessarily involve consideration of multi-agency working, understanding the challenges experienced individually and collectively, and creating solutions that allow strong, mature partnership working to develop over time.



Review

Review new and existing strategic outcomes

Review strategy, performance and impact



Review is the final stage of the commissioning cycle. Work in this stage seeks to answer:

- How well have we done what we planned to do?
- What has the impact been?
- Has it met the needs of the people using the services?
- How can we do better?

In the Review stage:

- review strategy, performance and impact: for partnerships, performance review and reporting will continue to take place through existing arrangements. Individual partners will have their own reporting and governance processes. It is important to review the strategic commissioning process as well as its outcomes and impact. This allows future improvements to be identified and put in place. Consider how to get feedback about how well services are meeting needs and preferences. Opinions sought should include: people using services, their families, communities and providers. Findings and conclusions developed in Review can be shared with other CJPs to spread learning.
- review new and existing strategic outcomes: before beginning a new planning cycle or strategy, review strategic outcomes (national and local) to identify whether newer developments or information mean they should be updated. This should include current and expected changes and their possible impact on the ability of partners to deliver on local priorities. This ensures that Partnerships remain clear on what they are trying to achieve strategically and that the supporting content in commissioning strategies (CJOIPs) stays valid and up to date.



Principles of good commissioning

Take time to discuss delivery of the process as a partnership so that everyone is clear about what will be done, when, by whom and why.

- All decisions should be centred on people and on improving their outcomes
- Each activity across the cycle is equally important and informs the next
- Commissioning drives any 'procurement' of services (not the other way around)
- Dialogue with people, practitioners, and providers should be maintained throughout the process
- Learning from any purchased services should inform the strategy

Good Governance

Good governance is key to ensuring robust accountability, resourcing, delegation and direction in commissioning. In preparing to develop a commissioning strategy, governance arrangements can be outlined in, for example, a Terms of Reference or Memorandum of Understanding.

The arrangements should include clear responsibilities and accountability for:

- leading the development of the commissioning strategy
- how agreement will be reached on priorities, including routes to more senior decision making if required
- aligning/pooling resources on agreed priorities
- leading strategic change and / or improvement
- securing partner commitment to delivering actions
- overseeing implementation of agreed plans
- reviewing the strategic impact of services.



Collaboration and co-production

It is a key part of good commissioning to put people using services at the heart of decision-making, and involve them in all processes. Where possible people with lived experience of the justice system should be involved in co-producing relevant services.

It is essential that the crucial role of the third sector in providing community justice services that improve people's outcomes is recognised fully in commissioning. The third sector's importance to effective service provision, and co-production in planning is recognised in the National Strategy for Community Justice, and local Partnerships have a duty to engage with them.

Widening engagement will assist the process of developing a shared understanding of needs, effectiveness, expertise, constraints and opportunity and strengthened impact of commissioning over time.

People and public involvement can support commissioning in a range of ways, including:

- Governance – assurance and performance management
- Identifying what people want, need and prefer from services
- Defining priorities – developing strategies and plan
- Service design – designing pathways and service specifications
- Procurement – inputting into tendering and contracting activities
- Review – giving feedback on existing provision
- Future improvement – opportunities for innovation or transformation

Key commissioning skills, competencies and roles

There are a number of skills core to the development and delivery of a commissioning strategy. While these skills may be well established within individual organisations, their successful delivery on a multi-agency basis is more complex and will require time to develop, if not already in place.

These include:

- Project management, including developing SMART objectives/actions.
- Change management
- Policy analysis
- Data collection and analysis (including horizon scanning)
- Qualitative research
- Working with people using services and their families
- Interviewing people, designing questionnaires and analysing responses



Effective commissioning also requires strategic skills and capabilities which should include;

Leadership

Good commissioning requires strong leadership to develop a long-term perspective on future delivery, secure visible ownership and demonstrate drive of the shared agenda. It also requires a commitment to developing an outcomes-focussed way of working across partners, and a culture open to change, supportive of learning, improvement and innovation. And includes:

- a) Overseeing the commissioning system, its aims and risks
- b) Leading the development of commissioning strategies and partner support
- c) Ensuring implementation of planned strategic improvement activities
- d) Reviewing strategic impact and effecting change.

Management

Given that local strategies will involve multiple actions across multiple partners, high level and strong project management skills are another key aspect to successful working. Good management will necessarily involve consideration of multi-agency working, understanding the challenges experienced individually and collectively, and creating solutions that allow strong, mature partnership working to develop over time.

Partnership

Strong partnership working for effective commissioning is essential. Good partnership working focuses on action to achieve the best possible outcomes for people rather than individual partner interests. Examples in community justice include sharing information and intelligence, coordinating activities (and avoiding duplication) and funding activities together.

This document is intended as a summary only. Full guidance with helpful tips, checkboxes, citations and additional resource information is provided in the main text: ***Community Justice Strategic Commissioning Framework*** - *A toolkit for collaborative prevention, rehabilitation and reintegration*. Also, please feel free to contact CJS if you require further clarification or assistance with the guidance/toolkit documentation.



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