



Ministry of
JUSTICE

National Offender
Management Service

Discussion Document

NOMS Commissioning Intentions

2012-13

Document Version Control

It is the responsibility of providers and wider stakeholders to ensure that before using this document for business planning purposes or as the basis for providing feedback, that the most up to date version of the document is being used. This is available at

www.justice.gov.uk/about/noms

Foreword



Commissioning services is about making choices. For the National Offender Management Service, commissioning describes the cycle of assessing the requirements of courts, offenders, defendants, victims and communities, planning how to meet those requirements, securing the right services at the right quality and price, and reviewing the delivery and effectiveness in meeting those needs. At the same time, effective commissioning is central to our role in implementing the Government's strategic reforms set out in the *Open Public Services White Paper* and the Green Paper *Breaking the Cycle*. Specifically we want to encourage flexibility and innovation in offender services in order to produce significantly better outcomes and value for money for the tax-paying public. Put simply, achieving 'better for less'.

This is the Agency's first annual Strategic Commissioning Round since implementing our commitment, following the Spending Review 2010, to replace the former commissioning structures in the English Regions and Wales with a leaner, functional, approach. Our new structures will be in place by April 2012 and will help us to live within our budget for the rest of the Spending Review while protecting as far as possible investment in front-line service delivery.

Inevitably the process of commissioning involves having to make difficult choices. The Agency must decide how best to invest the finite resources available to us by deciding what services to prioritise and what to disinvest in. To ensure that these choices are made with the best available information, we want to share our commissioning intentions for the coming year and invite feedback from the wide range of stakeholders who have a stake in our system. Details of how to share your views is set out in the introduction to the document.

Ultimately all of us - commissioners, providers and those who receive and benefit from offender services - share the same goals: to change lives by reducing reoffending, protecting the public and paying back to communities for the harm crime causes. I hope you will engage with us over the coming months to ensure that the choices we make for 2012-13 help change people's lives for the better.

A handwritten signature in black ink, appearing to read 'Ian Porée'.

IAN PORÉE
Director Commissioning and Commercial

Contents

- Introduction** 1
- Policy context for Service Delivery** 4
- Evidence Based Commissioning** 6
 - Summary of evidence 6
 - Quality 11
 - Segmenting the offender population 11
- Need and Demand for Services** 13
 - Demand for services 13
 - Need for services 15
- Commissioning Intentions 2012-12** 19
 - Summary 19
 - Co-commissioned services 21
 - Community services 24
 - Custodial services 27
- Planning Assumptions** 30
 - NOMS Business Priorities 2012-13 30
 - Financial Assumptions 30
 - Performance Measurement 31
 - Contract and SLA Assurance 32
- Contact Information** 34
- A. Equality Impact** 35
- B. Supporting Information** 36
- C. Glossary of Terms and Acronyms** 37

Introduction

The National Offender Management Service is the Agency of the Ministry of Justice responsible for commissioning adult offender management services, in custody and in the community, in England and Wales. In addition the Agency is responsible for providing custodial services both directly and under contract to other Government Departments through the Public Sector Prison Service¹. With an annual budget of £3.7 billion², the Agency is funded to provide specific services on behalf of the Secretary of State as set out in statute³ and which contribute to our twin aims of protecting the public and reducing reoffending through effective delivery of the orders and sentences of the courts.

Commissioning is essentially a term for the cycle of planning and securing services to meet required outcomes. To develop a shared understanding of what this means in the context of commissioning Offender Services, the Agency has published *An Introduction to NOMS Offender Services Commissioning*.⁴ This sets out our vision and approach to commissioning offender services including managing ethical walls, the NOMS commissioning cycle, governance, competition, market development and further information all of which provides the context for this document.

The NOMS Strategic Commissioning Round is the annual cycle of assessing the need and demand for services by offenders, defendants, courts, victims and communities; making choices over how to meet those needs; securing the right services at the right quality and price and; reviewing the delivery and effectiveness in meeting those needs. This cycle results in new Service Level Agreements (SLAs) with each public sector prison (including High Security Prisons)⁵ and refreshed contract schedules and delivery plans with existing contracted providers of prisons⁶ and probation services (the 35 Probation Trusts).⁷ In addition it informs the Agency's Offender Services Competition Strategy.⁸ The annual Strategic Commissioning Round process recognises that, whilst some SLAs and all contracts with prisons or Probation Trusts span more than one year, service need and demand and other commissioners' priorities can change more rapidly.

¹ Services commissioned from Her Majesty's Prison Service by the Youth Justice Board and the UK Border Agency are not covered by this document as in these cases NOMS is the provider not the commissioning organisation.

² Based on the budget for 2011/12

³ Offender Management Act 2007 and the Prisons Act 1952 (Amended)

⁴ www.justice.gov.uk/downloads/publications/corporate-reports/noms/intro-to-noms-commissioning.pdf

⁵ www.justice.gov.uk/global/contacts/noms/prison-finder/index.htm

⁶ www.justice.gov.uk/about/hmps/contracted-out.htm

⁷ www.justice.gov.uk/about/probation.htm

⁸ www.justice.gov.uk/publications/corporate-reports/moj/oscs.htm

The publication of this Commissioning Intentions document is intended to formally initiate the Strategic Commissioning Round for 2012-13. This aims to be an open discussion document which sets out the Agency's initial assessment of service need and demand and intended priorities for services to meet those needs. It also sets out planning assumptions around the likely budget available overall for services and the approach to measuring performance and obtaining assurance on delivery. The document is designed to support engagement with a wide range of stakeholders with an interest in the services we commission including: Other Government Departments who commission services for, or which offenders need to access; umbrella organisations; as well as existing and potential service providers. Recognising the distinctive differences in providing offender services in Wales, a particular priority is to work with the Welsh Government to ensure that our non-devolved offender management services fully take into account the Welsh Government's devolved responsibilities. In addition copies of this document will also be available in the Welsh language.

NOMS expects all providers commissioned to be able to deliver the Agency's enduring commitments to deliver the orders and sentences of the courts through providing services which are as a minimum legal, safe, secure and decent.⁹ For example, in custody this means we continue to prevent escapes, tackle violence, and reduce instances of self-inflicted deaths. For providers of probation services this means delivering independent, professional, advice to courts and effective management and supervision of those subject to orders and licenses. In addition providers are expected to satisfy both statutory partnership responsibilities (as set out in the contract or SLA) and engage more widely with a range of partners whose services play an essential part in reducing reoffending. The Agency also expects both prisons and Probation Trusts to act as 'prime providers' in their localities - sub-contracting services (other than those legally restricted¹⁰) to providers from any sector through local commissioning and aligning resources with other agencies. This enables providers, acting within best practice frameworks including the Compact, to meet specific differing local needs as well as commissioning and co-commissioning complementary local services to supplement those bought on behalf of the Secretary of State. This document is also therefore intended to support discussions between local delivery organisations as they undertake work to assess local service needs and plan for delivery.¹¹

These commissioning intentions are based on planning assumptions which will continue to be refined and clarified over the coming months. We plan to publish updated versions of this

⁹ What this means in practice for services are set out in the NOMS Directory of Services and NOMS Service Specifications published at www.justice.gov.uk/about/noms/noms-specification-benchmarking-and-costing-programme/noms-directory-of-services-and-specifications.htm

¹⁰ The Offender Management Act 2007 restricts the provision of advice to the courts to the Public Sector

¹¹ For example the responsible Authorities (including Probation) for Crime and Disorder Reduction Partnerships in England and Wales are required to undertake an assessment of the crime, disorder, substance misuse and reoffending issues in their locality and to produce a strategic plan to coordinate action to address those needs.

document as required, based on feedback from our engagement with providers and/or material changes to the assumptions. The commissioning intentions will inform the SLA negotiations and contract schedule refreshes which we aim to conclude by the end of February. While feedback and discussion with stakeholders is welcomed at any point in the year we would be particularly grateful for initial feedback and comments on the intentions set out in this document by **Friday 9 December 2011**. Details of how to provide feedback are provided on page 35.

An Equality Impact Screen and if required a full Equality Impact Assessment will be conducted on the final commissioning priorities. To help inform this important exercise providers and stakeholders are invited to comment on the Equality questions in Annex A.

Policy Context for Service Delivery

Commissioning is one of the tools the Agency uses to help drive the coalition government's agenda for reform. These reforms include a clear vision for Open Public Services¹² which signals:

- **Diversity and choice** - a switch from a presumption that the public sector should be the default deliverer of public services to a commitment that the Government will commission from a range of providers
- **Transparency** - the importance of public bodies functionally separating commissioning and provider activities
- **Accountability** - the importance of consulting with potential providers as well as considering how to ensure contracts are accessible to small and medium enterprises including charities
- **Decentralisation** - a recognition that while decisions over public services should generally be decentralised to the lowest appropriate level, some services, such as prisons, do not make sense to devolve to individuals or communities and are more effectively commissioned nationally but should be opened up to greater competition and where appropriate providers should be paid by results.

The Ministry of Justice Business plan 2011-15¹³ sets out how the Department will take forward the coalition agenda to reform the justice system by: introducing a rehabilitation revolution, reforming sentencing and penalties, reform of the courts, tribunals and legal aid work, assuring better law and finally reforming how we deliver our services. The Green Paper *Breaking the Cycle: Effective Punishment; Rehabilitation and Sentencing of offenders* set out in more detail specific policy initiatives to drive these reforms including:

- **Punishment and payback** – including making prisons places of work and enhancing payback in community sentences
- **Rehabilitating Offenders to reduce crime** – Including treating drug dependency and ensuring an Integrated Offender Management approach
- **Payment by results** – Paying providers by the results they achieve
- **Sentencing reform** – Improving the transparency of sentencing and better use of custodial and Community sentences (being taken forward through the Legal Aid, Sentencing and Punishment of Offenders Bill).¹⁴

The Agency has translated these Government-wide and Departmental priorities into its business plan and priorities¹⁵ - 'transformation priorities' support the coalition agenda specifically incorporating the work derived from the Green Paper, whilst 'operational priorities' ensure that NOMS remains focused on day-to-day priorities such as delivering the punishment and orders of

¹² www.openpublicservices.cabinetoffice.gov.uk

¹³ www.justice.gov.uk/publications/corporate-reports/moj/ministry-of-justice-business-plan-2011-15

¹⁴ www.justice.gov.uk/publications/bills-and-acts/bills/legal-aid-and-sentencing-bill.htm

¹⁵ www.justice.gov.uk/downloads/publications/corporate-reports/noms/NOMS_Business_Plan_2011-2012.pdf

the courts and reducing re-offending through targeting resources to achieve the best outcomes.

The plan specifically commits the Agency to:

- delivering **competitions** both for Prisons and offender services in the Community Services including Electronic Monitoring and Community Payback
- developing at least six **payment by results** pilots and rolling out a payment by results approach across the public sector by 2015
- encouraging greater **payback** by offenders through reparation to communities and victims
- ensuring there is a greater emphasis on **prisons being places of work** through developing 'Working Prisons'
- developing **Drug Recovery Wings** in prisons
- increasing **transparency** in information to the public including publishing elements of contracts and Service Level Agreements
- **working with Other Government Departments** in areas such as Foreign Nationals in the Justice System and Extremist prisoners

The Offender Services Competition Strategy¹⁶ announced a fundamental review of delivery of probation services including looking at the best models for delivering them and committed to setting out proposals including for further competition in autumn 2011. Commissioning intentions for 2012-13 will therefore be subject to the caveat of the need to align with the recommendations of the review once published.

In addition to the reforms within the Justice System, there are a number of key reforms in related parts of Government which will impact on the delivery environment in 2012-13, namely:

- **Health reforms** in England will include the introduction of the shadow National Commissioning Board, shadow Health and Wellbeing Boards and shadow Clinical Commissioning Groups during 2012-13 in preparation for transferring full responsibility for health including Offender Health from April 2013
- Introduction of mandating of prisoners eligible for Job Seekers Allowance into the DWP commissioned **Work Programme** which will support offenders into gaining sustainable employment
- Awarding of contracts as part of the re-tendering of the **Offender Learning and Skills Service** (OLASS 4) which will see a refocusing of learning and skills to focus on employability in custody
- We will also see the introduction of elected **Police and Crime Commissioners** from November 2012 who will have a public mandate to tackle crime and work closely with the wider Criminal Justice System
- Further roll out of the **Community Budgets** approach across Government currently being piloted by Department of Communities and Local Government and Department for Education in 16 areas as part of tackling the problems facing families with multiple needs.

¹⁶ www.justice.gov.uk/publications/corporate-reports/moj/oscs.htm

Evidence Based Commissioning

NOMS is committed to evidence-based commissioning. Wherever possible, we will use sound evidence to inform the commissioning methods we will use to obtain our outcomes. Evidence will count more strongly than intuition or habit as we prioritise services and offender subgroups or “segments”.

There are many areas where an evidence base is limited or evolving. Often new, innovative projects and small providers will have difficulty evidencing the impact of their service. Therefore, where evidence is lacking or inconclusive;

- there should be a clear description of the service, including the outcomes it aims to deliver, and who is it for
- there should be a clear, plausible rationale for why the service should work
- there should be a strategy in place for gathering evidence about whether the service works
- investment should be particularly cautious in relation to high risk or high harm offenders.

NOMS will continue to work with partners to develop and enhance the evidence base on all outcomes and share our position in relation to this evidence. Further guidance is being developed to help commissioners and providers make evidence-informed decisions and describe the impact of their services.¹⁷

Summary of evidence

Criminal Justice outcomes are complex. Effective commissioning demands an understanding of the factors and issues which if addressed should make a real difference to the lives of individual offenders, their families, victims and communities. To reflect this NOMS will continue to need to commission services from a wide range of providers and work with them to develop a shared understanding of how those services contribute singly and in combination to our desired outcomes. This will include services which motivate offenders to believe change is possible and desirable, create environments and relationships which enable and sustain change, provide quality services which support desistance and effective rehabilitation, and build the skills and competencies needed to live successful crime-free lives.

¹⁷ For more information contact the Agency using the details provided on page 30.

Currently the evidence base about what works is stronger for some outcomes than others. As a consequence this section focuses on the evidence base for outcomes related to reducing reoffending, protecting the public and reparation. It draws on published research including the Green Paper Evidence Report.¹⁸

Reducing reoffending

Provider organisations are most likely to be effective in reducing reoffending if staff engage well with offenders and provide them with safe and supportive environments that encourage change. Some simple staff behaviours can increase the quality of **engagement between staff and offenders**. These include:

- taking time to listen
- giving focus to practical and social problems as well as attitudes, thinking and behaviour
- expressing and encouraging motivation and hope
- recognising offenders' strengths and resources; building on these and on their existing social supports ("social capital")
- giving practical assistance in problem solving (rather than solving the problem for the offender, or expecting him/her to solve it alone)
- setting goals for supervision collaboratively rather than imposing goals; listening to what the priority issues for the offender are
- having and sharing good knowledge of all available resources to refer offenders on to.

Prisons should ensure that prisoners are safe and treated professionally and with respect, that the vulnerable are cared for and that drug use and exploitation are tackled. Safety requires that prisoners have confidence that staff are accessible and will be responsive to requests. Prisoners define respect as interpersonal courtesy and concern, but also the ability and willingness of staff to deal with their legitimate questions and requests. Researchers have found that better performing prisons operate well above the standard of safe, legal and decent. To achieve personal development – the feeling that prisoners can use the custodial experience constructively and prepare for a better future – prisons must deliver high levels of safety, decency and respect and staff must be professionally confident and fair in using their authority.

Reducing reoffending outcomes

In order to understand evidence-based practice in the areas of reducing reoffending and protecting the public it is helpful to draw on two fields of research literature in particular: First, empirical studies into the effectiveness of interventions and crime reduction programmes (often called the

¹⁸www.justice.gov.uk/downloads/consultations/green-paper-evidence-a.pdf

"What Works?" literature), particularly focusing on meta-analyses¹⁹ and other systematic combinations of research findings; second, studies of how offenders desist from offending. These two fields of literature often take very different approaches but are essentially concerned with the same outcome - reductions in offending and making our communities safer.

The **desistance** literature informs us that the following processes are important to desistance, and therefore indicates that intervening positively to encourage and support these processes should assist desistance:

- forming strong and supportive bonds with others not involved in crime
- overcoming dependence on alcohol and drugs
- finding steady employment
- feeling hopeful and motivated about the ability to desist
- having the opportunity to give something back to society
- having a place within a social group (often called "social capital")
- having someone else believe in them and their ability to change
- developing the confidence and competence to negotiate/manage interactions with providers of essential facilities and services e.g. housing providers, power companies and banks.

The "What works?" evidence indicates that the following **characteristics of an intervention or service are associated with reductions in reoffending**:

- targeting medium or higher risk offenders
- using well trained staff and supervising their delivery of the intervention
- having an evaluation plan/researcher involvement
- having an active, participatory style of working, rather than being overly didactic or very loose, unstructured and experiential
- teaching skills, particularly skills like interpersonal problem solving, conflict resolution, communication skills, social skills, emotional management skills, etc. Interventions that teach multiple skills will be more effective than interventions that teach one skill only. Skills need to be taught through active methods such as coaching and role-play not via discussion and insight-oriented techniques.

In addition, for interventions focusing on **changing attitudes, thinking and behaviour**, the following characteristics are associated with improved outcomes:

- are based on a social learning cognitive-behavioural model of change which emphasises cognitive restructuring (addressing thinking patterns)
- are structured (have a manual)
- offer both individual and group attention.

¹⁹ Meta-analysis is a statistical method of combining evidence from two or more studies in order to improve reliability of results.

The kinds of services and interventions that have the **best evidence base** for reducing reoffending generally are:

- employment-focused programmes in which offenders can secure real jobs
- structured cognitive-behavioural programmes such as accredited programmes. Accredited programmes by definition are interventions that have been independently judged to meet evidence-based standards.
- structured Therapeutic Communities for substance misusing offenders
- therapeutic approaches for juvenile offenders that involve the family (e.g. multi-systemic therapy)
- Substitution prescribing, in conjunction with psychosocial support, for opiate dependent offenders.

Evidence indicates that the following are **promising approaches** in terms of reducing reoffending:

- Circles of Support and Accountability for sexual offenders
- Medical treatment for sexual offenders
- Mentoring
- Peer fellowship/support for substance misusers (e.g. AA, NA, Smart recovery)
- Structured approaches to supervision such as the Citizenship programme created by Durham Tees Valley Probation Trust
- Intensive supervision involving treatment programmes
- Cognitive behavioural domestic violence interventions
- Motivational Interviewing.

The current evidence indicates that in isolation the following approaches, overall, **do not impact on reoffending outcomes or in some cases may increase reoffending**. Although punitive approaches do not in themselves reduce reoffending, according to the evidence, punishment is in itself, of course, an important outcome of a correctional system.

- punitive approaches that provide intensive surveillance and control without rehabilitative components (acknowledging that punishment is a specific sentencing objective and NOMS plays a key role in delivering sentences of the court which deliver this outcome)
- unstructured psychotherapy/counselling including psychodynamic interventions
- wilderness/Outdoor pursuits programmes (when these do work, it seems to be when they also contain a distinct therapeutic component)
- “Scared straight” interventions (e.g. programmes that attempt to deter young people from crime by demonstrating the harshness of life in prison)
- interventions that take only a psycho-educational approach without building personal skills
- boot-camp style regimes (when these do work, it seems to be when they also contain a distinct therapeutic component)

- disproportionate intervention with low risk offenders. Structured interventions show much clearer impact on higher risk offenders, and little or no impact on low risk offenders (who, by definition, are less likely to reoffend anyway)
- interventions that mainly aim to build self-esteem.

Intermediate outcomes

Whilst we do not have robust evidence of causal links, we do know that many offenders share a range of characteristics and issues that may be **related to their offending**:

- offenders are more likely than the general population to come from disadvantaged backgrounds, to have been a regular truant or excluded from school, to have suffered from harsh or neglectful parenting, to have been in care, and to have had parents who offended
- offenders have a variety of social problems such as low qualifications, lack of employment, and accommodation difficulties and debt/finance problems which are related to their offending behaviour
- drug and alcohol issues impact on the management of offenders
- those with mental health problems are disproportionately represented in prison.

As yet, we have insufficient knowledge about how to best achieve outcomes in some of these areas. However, given this link with offending and the desistance literature the following **intermediate outcomes are likely to be important** and worth consideration:

- improving reintegration into (non criminal) social and family groups. This includes strengthening family ties, improving family and intimate relationships, improving parenting behaviours, and increasing acceptance into communities and social networks
- finding suitable accommodation and increasing skills to retain accommodation
- finding long term employment and increasing employment skills
- ending debt and other finance-related problems
- achieving sobriety

We also know that how we **sequence and combine services** is significant in delivering outcomes. For example, it may be important to provide services which stabilise and motivate an individual before providing an intervention targeted at reducing their risk and reoffending. This reiterates the importance of assessing offenders' needs and matching the type, timing and sequencing of services to these needs

Reparation and victim related outcomes

Evidence indicates that Restorative Justice (face-to-face conferencing models) for medium or high risk violent or acquisitive offenders with a personal victim (e.g. burglars of a residence but not of

commercial premises) and at least one serious offence can reduce reoffending and can result in high victim satisfaction.

Gaps in Knowledge

Many popular interventions for offenders have never been evaluated in any robust way (e.g. victim empathy interventions, dramatherapy, yoga, pet therapy, music therapy). In these cases, commissioning should take account of the extent to which the intervention meets the standards set out above, and the strength of the theoretical case for likely impact on reoffending. Interventions are unlikely to have any impact on reoffending outcomes where they lack a connection with established theories of crime and desistance.

Quality

The evidence is clear that interventions and services are more effective in reducing reoffending if attention is paid to the quality of delivery. Although this may make an intervention seem more expensive, paying attention to quality improves effectiveness and therefore, overall, value for money.

The evidence base is also built on services being delivered to a certain standard. If the quality of a service is changed it can not be assumed that it will continue to have the same level and type of impact.

Segmenting the offender population

A segment is simply a subgroup of offenders. In order to produce effective rehabilitation outcomes with limited resources, it may be helpful to both commissioners and providers to segment the offender population and identify priority groups. In segmenting the population it is sensible to build on what is already known. One of the most firmly established principles in offender rehabilitation is that resource allocation should be based on risk and need. This means that the greater the risk presented by the offender (either in terms of reconviction or serious harm to others or themselves) and the greater the number of factors linked to offending the offender has, the greater and more prolonged the input required to bring about change. This principle has been consistently demonstrated by empirical research over the past 25 years. Applying this principle by using offence type (as a proxy for factors/problem areas) and four categories of risk level produces 16 offender segments. Segmentation must also take some account of sentencing constraints which impact on what can be achieved – offenders within segments may be treated differently depending on whether offenders are in the community or in prison and the length of their sentence (see tables on pages 17-18).

The evidence also suggests that interventions will be most successful if they take account of the learning style, individual characteristics and current circumstances of the offender, including their level of motivation and personal goals. Examples of the implementation of this principle can be readily identified, for example in the development of interventions specifically designed for women, young offenders or learning disabled offenders. NOMS recognises that within each of the segments identified there will be sub-groups of offenders who might require an adapted approach to delivery of services to achieve the same outcomes.

The Agency will continue to produce guidance about effective approaches for different segments going forward and make this available to both current and potential providers.

Need and Demand for Services

NOMS core aims are to reduce reoffending and protect the public through successfully delivering the sentences and orders of the courts. This means that in planning what services the Agency wishes to commission, particular emphasis must be placed on understanding both demand for our services from the courts and understanding what those services need to deliver in terms of improving outcomes for offenders, defendants, victims, courts and communities. At the same time it must be recognised that resources are finite and therefore choices will need to be made over prioritisation both of funding for services and targeting of access to those services.

Demand for services

Demand for offender services is driven by the volume and type of sentences passed by the courts. Where a Community Sentence or Suspended Sentence Order (SSO)²⁰ is given, one or more requirements will be attached to the order to address one or more of the five purposes of sentencing, such as punishment or rehabilitative work to address factors related to offending behaviour.²¹ For a custodial sentence there are no requirements explicitly set, other than the length of sentence, and the need for programmes and interventions will be determined separately.

Community

- Projections produced by the Ministry of Justice²² show an expected rise in starts of community sentences or supervision on release from custody of around 3% over the period 2011-2015 and just less than 1% in 2012-13. This excludes any impact from the recent public disorder and from sentencing reforms contained in the Legal Aid, Sentencing and Punishment of Offenders Bill.²³
- The rise is projected to be driven by an increase in Suspended Sentence Orders and supervision of offenders released from prison on licence.
- Over the past year there has been an increase in use of specified activity requirements (+38%), and a reduction in accredited programme requirements (-20%), attached to

²⁰ For more information on the different types of sentences and orders of the court visit www.direct.gov.uk/en/CrimeJusticeAndTheLaw/Sentencingprisonandprobation

²¹ For the five purposes of sentencing see <http://sentencingcouncil.judiciary.gov.uk/sentencing/what-sentences-for.htm>

²² Unpublished projections for internal planning purposes based on Prison Population Projections 2010-2016 and Offender Management Caseload Statistics to December 2010. Projections will be updated to be in line with new prison population projections in late 2011.

²³ www.justice.gov.uk/publications/bills-and-acts/bills/legal-aid-and-sentencing-bill.htm

Community Orders and SSOs²⁴, continuing the existing trend. In more recent months, the use of drug rehabilitation requirements has also reduced (-19%), with a particular decrease from mid-2010.

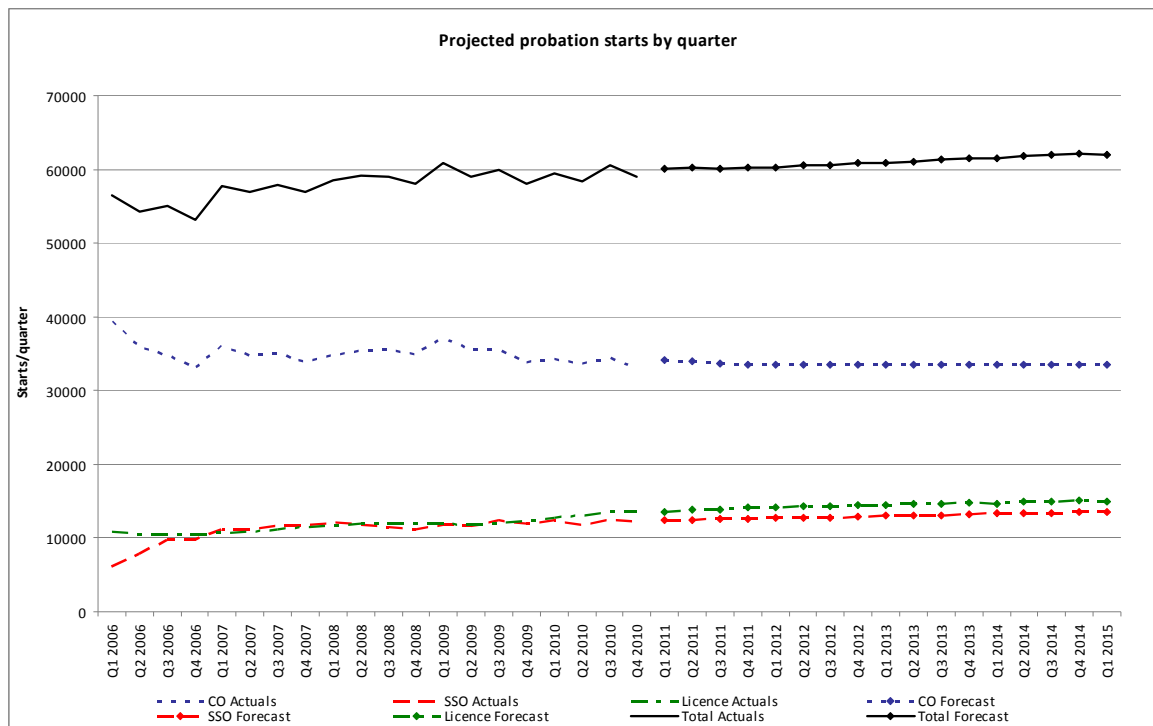


Fig 1: Actual and projected quarterly starts of probation sentences by type

Custody

- The latest projections of the prison population, published on 27 October 2011²⁵, show the population following a flatter trend over the Spending Review period (2011-2015) than previous projections, reflecting lower than anticipated growth in the prison population between June 2010 and June 2011. However, these projections also consider the impact of the recent public disorder which has led to an increase in the volume of custodial sentences. This effect is projected to continue during 2012, with a peak of around 1,000 additional prisoners in February 2012 which will then reduce throughout the year.
- If the new projections are compared with the trend from the previous projections, reset to the actual prison population at the time of the Spending Review settlement in October 2010, the population is now expected to be on average around 500 prisoners higher during 2012.

²⁴ Offender Management Statistics Quarterly Bulletin April to June 2011 (comparison with same period in 2010)

²⁵ www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/prison-population-projections-ns.htm

- While the projections do not include the impact of any sentencing reform, owing to the time needed for implementation and passage of the legislation it is expected that there would be a limited effect on population numbers during 2012-13.
- Of the overall population, the number of indeterminate sentenced prisoners (IPPs) is projected to continue to increase, excluding the effect of any sentencing changes. As a proportion of the overall prison population, indeterminate prisoners are projected to increase slightly from 16% in March 2011 to 17% by March 2013. Remand prisoner and female populations are projected to be fairly stable over this period.

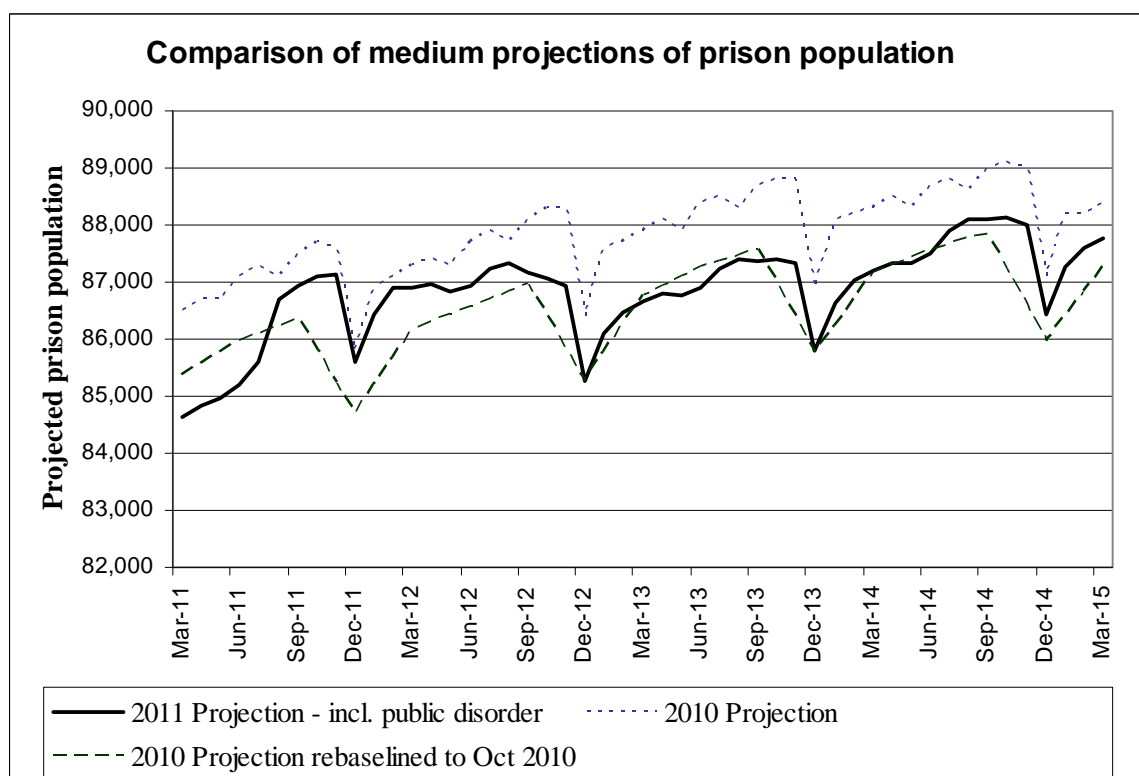


Fig 2: Comparison of medium projection of prison population between 2010 and 2011 projections, and 2010 projection trend relative to actual population at the time of the Spending Review settlement in October 2010.

Need for services

While understanding the demand for specific services from the courts can help planning in terms of overall volumes and services to deliver specific requirements of the sentence in the case of Community Orders and Suspended Sentence Orders, it is also important to understand the range and volume of needs identified from the profile of risk and offending factors for those entering prison or probation.

The offender population is routinely profiled during their sentence using tools such as the Offender Assessment System known as OASys and the Offender Group Reconviction Scale (OGRS). The tables below profile the population in the community and in custody by offence type, risk level, the most commonly identified risk factors related to offending and the percentage of younger and female offenders in each segment' of the population. The risk column takes into account both risk of reoffending and risk of harm to others, which reflects the current tiering of offenders as part of the NOMS Offender Management Model. The Other group includes a mixed group of offences, such as driving offences, drug supply, perjury, and arson which do not fall within the sexual, violent or acquisitive categories. The table uses data from a sample of 206,670 probation and 10,826 prison OASys assessments completed between April 2010 and March 2011.

In interpreting the tables the following general points are important to note:

- Risk factors/needs vary by offence type
- In all offence categories the level of need and number of different needs increases with risk level. Lower risk offenders have fewest needs; this applies to offenders in custody and the community
- Younger adult offenders (under 25s) are usually concentrated in the medium and high risk bands. Reducing reconviction for younger adult offenders would have greatest impact on overall reconviction rates
- A much higher percentage of female offenders are found in the low and medium risk bands, very few women present a high risk of serious harm. However, female offenders are usually assessed as having a wide range of social and psychological needs which increase their vulnerability. Many of the needs most prevalent in female offenders such as education, mental health problems and substance misuse are therefore most appropriately dealt with through co-commissioning services with partners.

In planning services, providers will be expected to apply this segmentation methodology to profiling their own offender population in order to ensure that proposed interventions and services seek to address relevant offending and risk factors taking account of the prioritisation set out in the intentions section of this document. It will not always be possible to address all of the offending-related factors for offenders due to limits on resources and the contact time set by sentence lengths. Commissioners will need to sequence and prioritise interventions which address specific offending behaviour with other services. Some important factors can be addressed through signposting offenders to a wide range of support in the community which is not necessarily offender-specific – such as housing, finance, and employment.

Table 1 Offenders in the Community

	Risk related to offending (OASys) ⁱ	Other risk factors ⁱⁱ	RISK ⁱⁱⁱ	% ^{iv}	< 25 yrs	Female
Sex	Relationships (72%) Criminal thinking & behaviour (71%) Lifestyle (58%) Anti-social attitudes (56%) ETE (45%) Accommodation (39%)	Sexual preoccupation Deviant sexual interest Emotional congruence with children Lack of emotionally intimacy with adults Self-regulation problems Resistance to rules and supervision Grievance/hostility Negative social influences	Low	(41%)	13%	2%
			medium	(5%)	34%	1%
			high/ v High	(54%)	15%	1%
Violence	Relationships (67%) Criminal thinking & behaviour (59%) ETE (54%) Lifestyle (49%) Anti-social Attitudes (49%) Alcohol misuse (41%)	Hostile beliefs Poor emotional management Limited Social skills Influence of criminal peers Domestic Violence (additional factors) Attachment style & sexual jealousy Need for dominance & control Rumination	Low	(43%)	20%	12%
			medium	(29%)	41%	10%
			High	(14%)	58%	5%
			very high	(14%)	28%	5%
Acquisitive	Lifestyle (82%) ETE (79%) Anti-social attitudes (68%) Criminal Thinking and behaviour (65%) Drugs misuse (56%) Accommodation (45%)	Influence of criminal peers Drug dependency Limited social capital Lacks goals/Values Low Self control Poor Emotional management Poor Social perspective taking Lack of motivation to change	Low	(14%)	38%	16%
			medium	(28%)	34%	2%
			High	(48%)	36%	14%
			very high	(10%)	36%	3%
Other	Lifestyle (62%) ETE (56%) Criminal Thinking & behaviour (55%) Relationships (55%) Anti-social Attitudes (51%) Drugs misuse (33%)	This group are convicted of many different offences including fraud, forgery, drug supply, driving offences and absconding. They include a small number of high risk organised criminals (e.g. traffickers) and some extremist offenders. This is reflected in the wide ranger of different needs presented by this group	Low	(43%)	4%	7%
			medium	(30%)	13%	9%
			High	(19%)	26%	8%
			very high	(8%)	9%	4%

i. Percentage within the segments assessed as having need in this area directly linked to their offending based on data available from those who have been assessed with OASys.

ii. Derived from empirical research studies

iii. Based on Offender Management Model tiering:

- Low: Low risk of reconviction & low or medium risk of harm
- Medium: medium risk of reconviction & low or medium risk of harm
- High: high risk of reconviction & low risk or medium risk of harm
- V High: - very high risk of serious harm

iv. Percentage of the offence segment in the risk category based on data available from those who have been assessed with OASys.

Table 2 Offenders in Custody

	Risk related to offending (OASys) ⁱ	Other risk factors ⁱⁱ	RISK ⁱⁱⁱ	% ^{iv}	<25 yrs	Female
Sex	Relationships (92%) Criminal thinking & behaviour (70%) Lifestyle (70%) Anti-social attitudes (70%) Accommodation (48%) ETE (34%)	Sexual preoccupation Deviant sexual interest Emotional congruence with children Lack of emotionally intimacy with adults Self-regulation problems Resistance to rules and supervision Grievance/hostility Negative social influences	Low	(27%)	9%	2%
			medium – high	(5%)	28%	0%
			very high	(68%)	3%	0%
Violence	Lifestyle (80%) Criminal thinking & behaviour (63%) Anti-social Attitudes (50%) Relationships (49%) ETE (43%) Accommodation (42%)	Hostile beliefs Poor emotional management Limited Social skills Influence of criminal peers Alcohol & Drug misuse Pro-violence attitudes Domestic Violence (additional factors) Attachment style & sexual jealousy Need for dominance & control Rumination	Low	(25%)	27%	7%
			medium	(18%)	42%	3%
			High	(9%)	60%	3%
			very high	(47%)	16%	4%
Acquisitive	Lifestyle (92%) ETE (84%) Anti-social attitudes (76%) Criminal Thinking and behaviour (70%) Drugs misuse (63%) Accommodation (46%)	Influence of criminal peers Drug dependency Limited social capital Lacks goals/Values Low Self control Poor Emotional management Poor Social perspective taking Lack of motivation to change	Low	(31%)	48%	4%
			medium	(32%)	46%	2%
			High	(26%)	55%	2%
			very high	(11%)	16%	1%
Other	Lifestyle (86%) ETE (72%) Criminal Thinking & behaviour (59%) Anti-social Attitudes (54%) Accommodation (48%) Drugs misuse (43%)	This group are convicted of many different offences including fraud, forgery, drug supply, driving offences and absconding. They include a small number of high risk organised criminals (e.g. traffickers) and some extremist offenders. This is reflected in the wide ranger of different needs presented by this group	Low	(52%)	17%	3%
			medium	(24%)	35%	2%
			High	(13%)	47%	2%
			very high	(8%)	9%	2%

i. Percentage within the segments assessed as having need in this area directly linked to their offending based on data available from those who have been assessed with OASys.

ii. Derived from empirical research studies

iii. Based on Offender Management Model tiering:

- Low: Low risk of reconviction & low or medium risk of harm
- Medium: medium risk of reconviction & low or medium risk of harm
- High: high risk of reconviction & low risk or medium risk of harm
- V High: - very high risk of serious harm

iv. Percentage of the offence segment in the risk category based on data available from those who have been assessed with OASys.

Commissioning Intentions 2012-13

The commissioning intentions described in this section set out *what* service outcomes the Agency wants to buy during 2012-13 in custody, the community and through aligning resources with other commissioners and funders. This document will be used as a basis for engagement prior to negotiations with existing 'prime providers' to renegotiate SLAs or refresh contract schedules, as well as informing activity with other commissioners and funders of services to ensure that those services help deliver NOMS intended service outcomes.

As part of negotiations providers will be expected to set out for the commissioner *how* they propose to deliver services which will produce these outcomes taking into account: local profiling of service need and demand (with reference to the segmentation information on pages 17-18), the rationale for specific delivery and intervention choices proposed (particularly where this is at odds with the evidence base on page 6), proposals for sub-contracting through commissioning and co-commissioning local services and the business planning assumptions set out on page 31. In addition to this information being captured in revised SLAs and contract schedules, providers will also be expected to include this information in their local business plans (e.g. Establishment Plans and Annual Trust Plans²⁶) which should be available to the public. This will form part of the process of providing assurance to both the Commissioner and the public and can also be used to inform local commissioning and co-commissioning arrangements.

Summary

A summary of our intentions for 2012-13 is provided below, followed by a more detailed explanation of what is being sought and why.

i) Co-Commissioned Services

1	Continue to align resources with mainstream providers of primary and secondary healthcare (including mental health services) and ensure that emerging structures as part of the Health Reforms in England are able to access NOMS-funded resources to support effective joint planning and delivery
2	Improve access to mainstream Adult Social Care assessment and support for offenders in custody
3	Continue to provide Personality Disorder Services at three establishments and expand new provision in custody and the community to improve access to services for more offenders
4	Ensure that the re-tendering of psycho-social substance misuse services in Prisons in England are informed by local evidence of need and new providers are fully supported in implementing services

²⁶ These plans are required under the Offender Management Act 2007

5	Align services with Offender Learning and Skills Service (OLASS 4) providers in prisons in England following re-competition of the service and support initiatives to make prisons places of work
6	Facilitate the introduction, and ongoing operation, of mandating day one entry of prison leavers onto the DWP Work Programme
7	Strengthen relationships with NOMS CFO Employment Service Providers to maximise the services available to offenders both in prison and in the community
8	Ensure that offenders' families are highlighted as a priority group within the DfE Families with Multiple Problems initiative and that they are able to access appropriate specialist services
9	Ensure appropriate access, and where necessary support, for offenders to enable them to resolve their housing related problems
10	Ensure that all offenders have access to services that assist them to manage their finances

ii) Community services

1	Ensure that there is sufficient capacity to respond to the demand for community sentences from the Courts
2	Deliver the minimum requirements set out in NOMS Service Specifications to ensure that services are legal, safe and decent
3	Disinvest in non-core rehabilitation services for offenders serving community sentences that present a low risk of reoffending and pose a low risk of harm to others, and re-focus investment on offenders presenting a medium or high risk of reoffending
4	Continue to invest in effective services for offenders presenting medium to high risk of harm to others
5	Disinvest in ineffective services and interventions
6	Maintain the availability of effective interventions, and develop the use of those suitable for delivery as Specified Activities Requirements (SAR) to the court, to provide more cost effective, proportionate and targeted services
7	Ensure that appropriate provision is available to enable women to complete their sentences successfully and that their risks of reoffending are addressed
8	Ensure credible alternatives to custody are available to the courts
9	Improve support and advice to courts at the bail and remand stages and provide effective alternatives to custodial remand when appropriate
10	Ensure delivery of the specification for Approved Premises to maximise opportunities for the rehabilitation of the offender
11	Work with partners to commission local services so that the risks offenders pose can be reduced within their communities
12	Develop capacity and capability to offer restorative justice conferencing
13	Promote the delivery of Integrated Offender Management through close working with partner agencies
14	Work towards greater engagement of volunteers within the provision of offender services in the community, through developing systems which enable access and opportunity

15	Increase the provision of interventions and specialist assessments for extremist offenders
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iii) Custodial Services

1	Ensure that there is sufficient capacity to respond to the demand for prison places from the Courts
2.	Deliver the minimum requirements set out in NOMS Service Specifications to ensure that services are legal, safe, secure and decent
3.	Maintain current levels of investment in rehabilitation services and interventions
4.	Disinvest in non-core rehabilitation services for male prisoners who present a low risk of reoffending and low risk of harm to others and reinvest in prisoners who present a medium or high risk of reoffending
5	Maintain current levels of investment in rehabilitation services and interventions for women prisoners
6	Maintain investment in prisoners who present a medium or high risk of harm to others
7.	Disinvest in ineffective services and interventions
8.	Increase the level of meaningful work for prisoners, and where appropriate develop 'working prisons'
9.	Ensure robust action to reduce drug and mobile phone supply including where appropriate the development of drug free wings
10.	Develop the capacity and capability to offer restorative justice conferencing
11.	Increase the provision of interventions and specialist assessments for extremist offenders
12.	Continue to focus on effective Integrated Offender Management and close working with community partners
13.	Work towards greater engagement of volunteers within the provision of offender services in custody, through developing systems which enable access and opportunity

Co-Commissioned Services

Co-commissioning is where two or more service commissioners align their priorities while retaining responsibility for their own resources.²⁷ The National Offender Management Service is involved in co-commissioning over £1bn worth of services where it is not the lead commissioner but where those services are essential in helping to reform and rehabilitate offenders. By aligning our priorities and resources with those of a wide range of other Government Departments and funders the Agency is able to ensure that services can mutually support different commissioners' outcomes both nationally and locally.

²⁷ For a fuller explanation see www.justice.gov.uk/downloads/publications/corporate-reports/noms/intro-to-noms-commissioning.pdf

These services, in England, include learning and skills, employment programmes, mental and primary health care, substance misuse interventions, benefits advice and accommodation. While the Agency remains responsible for directly commissioning offender management services in Wales, devolution arrangements means that the Welsh Government are directly responsible for providing many of the services provided by different parts of Whitehall in England and therefore it is essential that we work closely together to ensure service needs and demand are met.

For 2012-13 our co-commissioning intentions are:

- 1) **Continue to align resources with mainstream providers of primary and secondary healthcare (including mental health services) and ensure that emerging structures as part of the Health Reforms in England are able to access NOMS funded resources to support effective joint planning and delivery.** In England although responsibility for commissioning primary and secondary healthcare services for offenders will continue to be the responsibility of Primary Care Trusts operating in clusters overseen by the joint NOMS/DH Offender Health Directorate, shadow arrangements for new commissioning bodies will increasingly be developed during 2012-13. It is important that providers to NOMS seek every opportunity to share information and align service planning with the emergent bodies. In Wales health and social services are the responsibility of the Welsh Government and developments are being discussed with the Welsh Government in the context the devolved health services in Wales.
- 2) **Improve access to mainstream Adult Social Care assessment and support for offenders in custody.** As the numbers of older prisoners in custody continues to grow it is important to ensure that offenders have comparable access to adult social care assessment and services to those in the general population with similar issues as part of a commitment to decency. Strengthening relationships with Local Authority Directors of Adult Social Care will be essential in securing improved access to services.
- 3) **Continue to provide Personality Disorder Services at three establishments and expand new provision in custody and the community to improve access to services for more offenders.** Following the public joint consultation earlier this year around the way in which Personality Disorder services are funded and managed, lead NHS Specialised Commissioning Groups and NOMS Personality Disorder co-commissioners will lead the work to develop a new pathway of PD services in prisons and in the community.²⁸ The pathway will improve identification and assessment of offenders early in their sentence; increase treatment capacity for those in custody and improve their management in prison and in the community, thereby helping reduce the risk of serious harm to others and the likelihood of further reoffending. Key priorities for 2012-13 are to establish new service contracts including:
 - embedding forensic/clinical psychology services employed by health providers within five Probation Trusts
 - opening two PD treatment units for men in category B training prisons - one located in the South and one in the North of England
 - opening one prison based progression unit for those completing a period of treatment
 - opening a PD treatment service for women linked with the national services at HMP Low Newton (Primrose unit) and HMP Send (Democratic Therapeutic Community).

For established PD services at HMPs Whitemoor, Frankland and Low Newton, we will commission the same level of outcomes as in previous years. Although these specialist PD units will be expected to contribute to realistic efficiency measures, these will not be at the

²⁸ Department of Health / NOMS (2011) *Consultation on the offender personality disorder pathway implementation plan*. London: Department of Health

expense of delivery outcomes. NOMS and the Department of Health (DH) will continue to commission the six pilot PD progression sites, at HMPs Hull, Gartree, Send and Low Newton and the two Approved Premises in Leicester and Liverpool. DH will continue to support the joint health and probation community based PD pilots based in London and Liverpool.

- 4) **Ensure that the re-tendering of psycho-social substance misuse services in Prisons in England are informed by local evidence of need and new providers are fully supported in implementing services.** Responsibility for commissioning of psycho-social substance misuse programmes for offenders in custody (including CARATS services) moved (in England) from NOMS to the Department of Health and NHS as part of the Spending Review settlement.²⁹ Responsibility for re-commissioning these services will therefore now rest with PCTs operating in clusters and local substance misuse commissioning arrangements including Drug Action and Alcohol Teams. It is important that custodial providers: are involved in the co-commissioning process including support full needs assessments, and ensuring that specifications for potential providers are appropriate for offenders; ensure new services align with NOMS substance misuse priorities (for example drug free wings and drug recovery wings) and continue to fully support delivery within establishments.
- 5) **Align services with Offender Learning and Skills Service (OLASS 4) providers in prisons in England following re-competition of the service and support initiatives to make prisons places of work.** The efficiency and effectiveness of the Offender Learning and Skills Service was subject to a joint review: *Making Prisons Work: Skills for Rehabilitation*, published in May 2011.³⁰ NOMS and the Skills Funding Agency are jointly implementing the review recommendations which have included re-tendering of the Offender Learning and Skills Service (OLASS 4) with a greater focus on employability in custody. It is vital that prisons continue to work with the new providers to help drive through the agreed reforms and facilitate the work of OLASS providers.
- 6) **Facilitate the introduction, and ongoing operation, of mandating day one entry of prison leavers onto the DWP Work Programme.** Following a commitment in the Green Paper to align activities between the Ministry of Justice/NOMS and Department for Work and Pensions (DWP), offenders will now be mandated to join the DWP Work Programme from day one of their release from prison which will impact on over 30,000 prisoners a year and will provide significant support to prisoners on release to get out of crime and into employment. Specifically, NOMS has committed by 1 April 2012 to:
 - provide the necessary infrastructure within prisons (a broadband connection and dedicated, secure interview accommodation) for Jobcentre Plus staff working in establishments;
 - put in place robust data sharing systems with DWP/ Jobcentre to facilitate a) benefit claim closures, b) advanced claims for benefit pre-release and c) referrals to Work Programme contractors;
 - put in place a robust data tracking process with DWP/Jobcentre Plus to support the proposed Reducing Re-Offending PBR pilot being commissioned by MoJ across two pilot regions.

From April providers will be expected to maintain and build on relationships, alter service delivery as volumes changes and enable and encourage Work Programme staff to work with offenders
- 7) **Strengthen relationships with NOMS CFO Employment Service Providers to maximise the services available to offenders both in prison and in the community.** NOMS Co-Financing Organisation (NOMS CFO)³¹ uses European Social Fund (ESF) money to deliver

²⁹ A fuller explanation of the changes and their impacts is available at www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_125990.pdf

³⁰ www.bis.gov.uk/assets/biscore/further-education-skills/docs/m/11-828-making-prisons-work-skills-for-rehabilitation.pdf

³¹ <http://co-financing.org/>

services to help those offenders who would not normally engage with mainstream provision realise their potential and re-enter the employment market. All NOMS CFO contracts have been awarded for the period up till December 2014; however, additional funds may be available for the period 2014 - 2020. It is expected that procurement for these contracts will begin towards the end of 2012 with contract awards being made in mid 2013.

- 8) **Ensure that offender's families are highlighted as a priority group within the DfE Families with Multiple Problems initiative and that they are able to access appropriate specialist services.** The Families with Multiple Problems initiative aims to strengthen those families who may be facing social exclusion and poverty. Investing in services for offenders and their families which enhances positive engagement can contribute to reduced reoffending and inter-generational crime. DfE have committed to invest £3m of a £9m grant programme to developing integrated support services to offenders' families. Prisons and providers of Probation Services will be expected to align and invest in complementary provision to enhance family support for those offenders in custody and in the community and their families.
- 9) **Ensure appropriate access, and where necessary support, for offenders to enable them to resolve their housing related problems.** The forthcoming publication of the Rehabilitation Services in Custody and in the Community Specifications and the associated PSI/PI on housing and on rent arrears, provide the basis for a defined minimum level of service that all prisons and providers of probation services should be achieving either by direct provision, by contracting or through partnership/co-commissioning. Offender Managers are the key link to community based provision and will be expected to represent the interests of all offenders (including short term prisoners) in promoting access to services.
- 10) **Ensure that all offenders have access to services that assist them to manage their finances.** The publication of the Rehabilitation Services in Custody and in the Community Service Specifications and the associated PSI/PI on Finance, Benefit and Debt provide the basis for a defined minimum level of service that all prisons and trusts should be achieving through partnership or contracting. Ongoing national discussions with the Money Advice Service, who fund money advice services and will be providing debt advice services, will support this work. Work will need to continue with partners such as the British Bankers Association to increase prisoner access to basic banking facilities.

Community Services

NOMS is responsible for commissioning around £1bn of services each year for offenders in the community, including from providers of probation services, Community Payback providers, Attendance Centre providers, Approved Premises providers, Bail Accommodation and Support and Services and Electronic Monitoring services.

Subject to review following the publication of the recommendations of the current review of probation services, NOMS' intentions for commissioning offender services in the community for 2012-13 are:

- 1) **Ensure that there is sufficient capacity to respond to the demand for community sentences from the courts.** NOMS must make sure it can meet the demands of courts and ensure that offenders receive their sentence in a timely and appropriate way and at suitable locations. The providers of the different sentence provision will need to satisfy this basic commissioning brief. NOMS commissioning intention is that it will provide the courts with the most effective and efficient delivery of sentences and that all providers will link with report writers to assist in their recommendations to court on the best available options.

- 2) **Deliver the minimum requirements set out in NOMS Service Specifications to ensure that services are legal, safe and decent.** The process of specifying the outcomes and outputs that are required by NOMS, for the safe legal and decent delivery of each service, is now complete. NOMS will use these specifications as the basis for expected delivery. NOMS expects greater use of benchmarking data will be made, to ensure that the provision of offender services in the community is efficient.

NOMS will consider which of the SBC proposed and costed options, along with any other innovations from potential providers that exceed these minimums, it is able to support. It will be up to the provider to develop the methods it wishes to use to meet these specified outcomes. The agreed outputs will be documented in the contract with the provider.

- 3) **Disinvest in non-core rehabilitation services for offenders serving community sentences that present a low risk of reoffending and pose a low risk of harm to others, and re-focus investment on offenders presenting a medium or high risk of reoffending.** In looking at potential provision, in order to target the right resources to the right offenders to meet its goals, NOMS will wish to target those offenders that pose the most threat and to disinvest in reducing reoffending work that is delivered to those who pose a low risk of reoffending and harm. Providers should not invest in more intensive and/or more complex rehabilitation services than required to meet basic sentence delivery for offenders who present a low risk of reoffending and a low risk of harm. Instead, the Agency will invest its rehabilitation resources where they are likely to make the biggest difference to reducing reoffending. To this end the provision of high quality supervision that offers both value for money and delivers improved outcomes remain central. Non-core rehabilitation services previously focused on low risk offenders will be reinvested for those offenders presenting a medium or high risk of reoffending.
- 4) **Continue to invest in effective services for offenders presenting medium to high risk of harm to others.** Providers will be expected to continue to invest in services aimed at sexual, violent and extremist offenders. NOMS will provide further guidance on outcomes for these groups of offenders shortly.
- 5) **Disinvest in ineffective services and interventions.** Providers should review current provision supported by the evidence base and set out proposals to disinvest in ineffective services, for example those which:
- may cause harm to individuals or impact negatively on other outcomes
 - do not deliver the outcomes they seek
 - deliver outcomes which do not contribute to NOMS priorities, or those of our core partners that align with our priorities
 - 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.
- 6) **Maintain the availability of effective interventions, and develop the use of those suitable for delivery as Specified Activity Requirements (SAR) to the court, to provide more cost effective, proportionate and targeted services.** It is the intention of NOMS to offer the courts and offender managers a wider range of activities from current and new providers that will address offending behaviours which are currently poorly provided for. It will also wish to offer different levels of interventions that will allow for proportionate and cost effective delivery, which reserves the most intensive provision for those that represent the greatest risk and need. In particular it wishes to offer the court a greater number of specified activities as sentencing options. NOMS will be interested in considering new provision from providers that either supports or offers more effective interventions.

- 7) Ensure that appropriate provision is available to enable women to complete their sentences successfully and that their risks of reoffending are addressed.** NOMS is committed to ensuring that women are able to access fair and equitable provision. Success means ensuring equality of outcome. NOMS will commission services that are responsive and where necessary separate to reflect the different needs and causes of offending for women and in providing suitable interventions in appropriate environments to allow them the best opportunities to complete their sentences and to reduce the risk of reoffending. Providers will be expected to recognise the differential needs of female offenders and target interventions responsively to provide effective alternatives to custody. As part of this commitment to improved provision for women, NOMS will review and take decisions on re-commissioning services from the current Women's Community pilots.
- 8) Ensure credible alternatives to custody are available to the courts.** NOMS sees the Offender Manager as critical to successful delivery and the fulfilment of the responsible officer role as key to ensuring that sentences are delivered fairly and that appropriate plans are in place for each individual. It is the intention to invest in services that demonstrate, through effective assessment and engagement, cost-effective and well-targeted delivery and provide credible alternatives to custody.
- 9) Improve support and advice to courts at the bail and remand stages and provide effective alternatives to custodial remand when appropriate.** In 2012-13, NOMS intends to rationalise and coordinate what it commissions and improve the links with other services provided to courts and at point of arrest. Improvements to assessment and access to BASS and other support services in the community are also desired, to ensure that courts are provided with timely and accurate information. NOMS will be interested in joint proposals from providers that demonstrate a coordinated approach.
- 10) Ensure delivery of the specification for Approved Premises to maximise opportunities for the rehabilitation of the offender.** This is closely linked to co-commissioning intention 9, but it adds provision for specialist accommodation which helps offer public protection and risk reduction to offenders that are in the community but who represent a significant risk. NOMS wants providers to be able to demonstrate that they are able to meet the expectations set out in the specification for Approved Premises regimes to enable offenders to progress to less intensive support whilst offering protection to the community.
- 11) Work with partners to commission local services so that the risks offenders pose can be reduced within their communities.** NOMS will look to develop processes that allow variation in delivery locally, either through local application of large commissions or through a process of local commissioning agreements. It will assess a provider's ability to provide flexible services to meet local needs, which consider not only the variation in factors linked to offending across England and Wales but also any locally identified community needs or priorities.
- 12) Develop capacity and capability to offer restorative justice conferencing.** Providers should develop the capacity and capability to offer restorative justice conferencing where appropriate as described in guidance that will be made available by NOMS.
- 13) Continue to focus on effective Integrated Offender Management and close working with community partners.** Following the commitment in the Green Paper, that managing offenders means striking a balance between controlling them to protect communities and requiring them to take action needed to change their criminal lifestyle, providers should promote the delivery of Integrated Offender Management through close working with partner agencies.
- 14) Work towards greater engagement of volunteers within the provision of offender services in the community, through developing systems which enable access and opportunity.** NOMS believes that volunteers can make an effective contribution to reducing reoffending. In 2012-13 it intends providers to work towards greater engagement of

volunteers in the provision of offender services in the community, through developing systems which enable access and opportunity and assist reintegration to communities. It will be interested in direct or co-commissioning proposals from potential providers.

- 15) Increase the provision of interventions and specialist assessments for extremist offenders.** NOMS requires specialist, comprehensive assessment³² of all TACT, TACT-related and domestic extremist offenders subject to licence supervision (approximately 50 offenders) and will commission bespoke extremism interventions³³ for these offenders where appropriate.

Custodial Services

Each year NOMS commissions more than £2bn of custodial services from providers in the public sector (including high security) and independent sectors together with key infrastructure services such as the Prisoner Escort and Custody Service (PECS). PECS contracts were re-competed in 2010-11 and new contracts awarded for 7 years from 2011-2018 which commenced in August.

For 2012-13 our custodial services commissioning intentions are:

- 1) Ensure that there is sufficient capacity to respond to the demand for prison places from the Courts.** NOMS intends to commission approximately [90,000] prison places during 2012-13. At the start of the year approximately 76,000 places are planned to be commissioned in the public sector including approximately 6,300 in the High Security Estate. The remainder are commissioned from other providers under contract following open competitions.³⁴ NOMS will determine the function(s), security category, sentence range and age group(s) for each establishment as well as determining the configuration of the entire system taking account of volumes for different functions, security categories, sentence ranges and age groups. Providers are expected to have the capacity and capability to respond appropriately to meet changing populations and policy requirements on a temporary or permanent basis.
- 2) Deliver the minimum requirements set out in NOMS Service Specifications to ensure that services are legal, safe, secure and decent.** NOMS has set out the minimum requirements for the custodial services listed in the NOMS Directory of Services through NOMS service specifications. Providers must meet the outcomes and outputs mandated through the service specifications and comply with the mandatory content of any Prison Service Instructions referenced from the specifications. The minimum requirements are designed to ensure that all prisons and custodial services commissioned by NOMS are legal, safe, secure and decent. Any significant and planned additional-delivery against service specifications will be agreed between the provider and the commissioner and documented in the Service Level Agreement (SLA) for each establishment or in the contract with the provider. Where exceptionally providers are unable to deliver the minimum requirements they will need to agree an action plan with the commissioner.

The Annual Operating Price for each establishment will be agreed and will cover the delivery of the service requirements in the SLA, including all applicable service specifications. All providers are required to deliver core services as efficiently as possible and the commissioner will require and use appropriate benchmarking information.

³² Extremism Risk Guidance (ERG 22+)

³³ Motivation and Engagement Intervention and Healthy Identity Intervention

³⁴ During 2012-13 nine prisons will be subject to competition with the award of contracts scheduled for autumn 2012, and with service commencement due for the start of the next commissioning round (2013-14). In line with the Offender Services' Competition Strategy published in July 2011, there will be further future prison competitions announced during 2012-3.

- 3) **Maintain current levels of investment in rehabilitation services and interventions.** NOMS expects providers to ensure that rehabilitation services and interventions are not disproportionately targeted for savings when planning overall efficiencies, while at the same time seeking more cost effective use of this investment.
- 4) **Disinvest in non-core rehabilitation services for male prisoners who present a low risk of reoffending and low risk of harm to others and reinvest in prisoners who present a medium or high risk of reoffending.** All prisoners must have access to the core rehabilitation offer³⁵ to meet NOMS' commitment to decency and reducing reoffending. This includes access to services to assist with issues like housing, finance, family support, drug misuse and health, and similar to those that would be available to the prisoner as a member of the local community. However, in the context of limited resources for 2012-13, NOMS will disinvest in additional, more intensive and/or more complex rehabilitation services³⁶ for prisoners who present a low risk of reoffending and a low risk of harm. Instead, the Agency will invest its rehabilitation resource where it is likely to make the biggest difference to reducing reoffending. Non-core rehabilitation services previously focused on low risk offenders will be reinvested for those prisoners presenting a medium or high risk of reoffending.³⁷
- 5) **Maintain current levels of investment in rehabilitation services and interventions for women prisoners.** NOMS expects providers to maintain current levels of investment in rehabilitation services and interventions for women prisoners when planning overall efficiencies while at the same time seeking more cost effective use of this investment. Provision should also reflect the range of social and psychological needs which increase women's vulnerability.
- 6) **Maintain investment in prisoners who present a medium or high risk of harm to others.** Prisons will be expected to continue to invest in services aimed at sexual, violent and extremist offenders. NOMS will provide further guidance on outcomes for these groups of offenders shortly.
- 7) **Disinvest in ineffective services and interventions.** Providers should review current provision supported by the evidence base and set out proposals to disinvest in ineffective services, for example those which:
 - may cause harm to individuals or impact negatively on other outcomes
 - do not deliver the outcomes they seek
 - deliver outcomes which do not contribute to NOMS priorities, or those of our core partners that align with our priorities
 - 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.
- 8) **Increase the level of meaningful work for prisoners, and where appropriate develop 'working prisons'.** Following the commitment in the Green Paper, NOMS intends for prisons to become places of work and meaningful activity, particularly to:
 - ensure that more prisoners are subject to a structured and disciplined environment where they are expected to work a full working week
 - use the expertise and innovation of the private, voluntary and community sectors to help develop 'working prisons'.

³⁵ The core rehabilitation offer is set out in more detail in the Rehabilitation Services in Custody Specification, to be published by the end of 2011.

³⁶ These services include accredited offending behaviour programmes, unaccredited group work programmes, services designed to reduce reoffending or increase rehabilitation that go beyond those set out in the core rehabilitation offer.

³⁷ Medium to high risk of reoffending is here defined as an OGRS of above 50%. NOMS will provide guidance on outcomes and services for sexual, violent and extremist offenders in due course.

- 9) **Tackle the availability of drugs and mobile phones in prisons.** Following commitments in the Green Paper, national drug strategy and national organised crime strategy, NOMS intends to:
- work closely with law enforcement partners to share intelligence and tackle staff corruption
 - investigate new technologies to tackle drugs and mobile phones in prisons
 - increase the number of drug free wings, where increased security measures prevent access to drugs.
- 10) **Develop the capacity and capability to offer restorative justice conferencing.** Providers should develop the capacity and capability to offer restorative justice conferencing where appropriate as described in guidance that will be made available by NOMS.
- 11) **Increase the provision of interventions and specialist assessments for extremist offenders.** By March 2013 establishments will be expected to offer:
- specialist comprehensive assessments (ERG 22+) of all Terrorism Act 2000 (TACT), TACT-related and domestic extremist prisoners
 - bespoke extremism interventions, where appropriate, to all TACT, TACT-related and domestic extremist prisoners
 - the capability to deliver specialist, comprehensive assessments(ERG 22+) for those identified as 'subjects of concern', within all High Security Estate and other relevant establishments.
- 12) **Continue to focus on effective Integrated Offender Management and close working with community partners.** Following the commitment in the Green Paper that managing offenders means striking the right balance between controlling them to protect communities and requiring them to take the action needed to change their criminal lifestyle, NOMS requires its providers to engage with local partners to establish an effective approach to Integrated Offender Management.
- 13) **Promote the delivery of Integrated Offender Management through close working with partner agencies.** Following the commitment in the Green Paper, that managing offenders means striking a balance between controlling them to protect communities and requiring them to take action needed to change their criminal lifestyle, providers should promote the delivery of Integrated Offender Management through close working with partner agencies.
- 14) **Work towards greater engagement of volunteers within the provision of offender services in custody, through developing systems which enable access and opportunity.** NOMS believes that volunteers can make an effective contribution to reducing reoffending. In 2012-13 it intends providers to work towards greater engagement of volunteers in the provision of offender services in custody, through developing systems which enable access and opportunity and assist reintegration to communities.

Planning Assumptions

In planning services for 2012-13, the following assumptions should be used:

NOMS Business Priorities 2012-13

As an Agency of the Ministry of Justice, NOMS' strategic direction is set in the Ministry of Justice Corporate Strategy for 2011-15.³⁸ This sets out the objective: "To deliver a transformed justice system and a transformed department - more efficient, more effective, less costly and more accountable and responsive to the public." Work is currently underway to develop the NOMS Annual Business Plan for 2012-13 which will incorporate the Agency's final commissioning priorities following engagement around our commissioning intentions. For the purposes of planning, providers should assume that NOMS Business Priorities for 2012-13 will remain as outlined in the 2011-12 Business Plan.³⁹ The transformation priorities reflect the work planned to meet the Government's ambitious reform agenda, grouped into four main areas:

- Rehabilitation - Breaking the Cycle
- Rebalancing Capacity
- Commissioning and Competition
- Organisational Restructure

The operational delivery priorities recognise the work carried out on a daily basis:

- Delivering the Punishment and Orders of the Court
- Public Protection
- Reducing Reoffending
- Improving Efficiency and Reducing costs

Financial Assumptions

The Agency expects to receive its final budget settlement as part of the Ministry of Justice budget setting process in mid-December, after which time final budget confirmations will be possible with individual providers.

Excluding prison capacity savings and savings from Procurement and ICT (which are separately targeted and recorded by MoJ), the Agency is required to save at least £120M during 2012-13. The Agency's approach to delivering required savings remains to seek to protect resources for front-line service delivery as far as possible. This includes a major restructuring of NOMS Headquarters functions, with new structures in place from April 2012 that will deliver a 37% saving

³⁸ www.justice.gov.uk/publications/corporate-reports/moj/ministry-of-justice-business-plan-2011-15

³⁹ www.justice.gov.uk/downloads/publications/corporate-reports/noms/NOMS_Business_Plan_2011-2012.pdf

in NOMS HQ costs (with £40M target savings in 2012-13, approaching £100M by the end of the Spending Review Period in 2015).

NOMS will look to secure the remainder of these savings through financial negotiations with all service providers as part of the Strategic Commissioning round.

Performance Measurement

We are on a journey to a more outcome-focused performance and delivery regime that is consistent with the principles of payment by results.

At a national level, the NOMS Agency is now judged on the MoJ Reoffending Impact Indicators, supplemented with 13 headline indicators and, starting from next summer, five Input Indicators that draw on the emerging data from our unit costing tools – INview (for public prisons) and PREview (for Probation Trusts). The agency is no longer set specific targets and we will be judged on the progress we make against these indicators which will be published annually each summer.

Last year we reduced the level of prescription in both Trust contracts and Public Prison SLAs and we produced a tighter focus on the delivery requirements set beyond the headline indicators. These are assessed in aggregate through the Probation Trust and Prison rating systems.⁴⁰ We intend to make minimal changes for 2012-13 with the focus being on ensuring that critical gaps such as MAPPA delivery and Input Indicators are reflected in the assessments, as and when these data are of sufficient reliability and maturity.

We are however committed to a more radical shift towards outcome focused assessments from 2013-14 in line with this Government's Rehabilitation Revolution. The Ministry of Justice published its latest re-offending data on the 27th October.⁴¹ This adopts a consistent approach to measuring reoffending across the different aspects of the Criminal Justice System following wide consultation. For the second time this includes reoffending rates for individual prisons – these were first published in November 2010 – as well as for Probation Trusts.

We want to build our understanding of the benefits (and risks) of reduced prescription through the payment by results pilots and test the different options for incorporating reduced reoffending outcomes into our delivery requirements and our performance assessments (this will be for offender services in both the community and custody). Our aim is to move towards mainstreaming these approaches for 2013-14 where the measurement methodologies are sufficiently robust.

⁴⁰ www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/prison-probation-performance-info.htm

⁴¹ www.justice.gov.uk/publications/statistics-and-data/reoffending

We are also undertaking a zero based review of all the data we collect in NOMS with a view to collecting only the minimum data set we need to commission and provide assurance that contracts and SLAs are being delivered. We are committed to stopping data at the earliest opportunity.

Commissioners and Contract Managers working together will be responsible for negotiating all service volumes and target levels for 2012-13 impact measures to ensure that these reflect local evidence of need and demand, prioritisation and resources.

Contract and SLA Assurance

Central to our approach to commissioning offender services is to increasingly move to a more light touch contract and SLA management model where providers will be expected to provide verifiable assurance to the commissioner that the services which have been commissioned are meeting service need and are being delivered in a way that is legal, safe and decent.

Probation Trusts

Probation Trusts are Non-Departmental Public Bodies contracted by the Ministry of Justice. The Probation Trust contract sets out a range of evidence that must be provided to NOMS as part of assurance arrangements including annual Trust plans, equalities reports, service continuity plans, and assurances on health and safety and environmental and sustainability policy. Trusts are responsible for arrangements for the provision of internal audit and for publishing a plan of internal audits. Trusts must, through internal and external audit programmes, provide assurance that process and governance meet required standards.

Arrangements for contract assurance for Probation Trusts are currently subject to discussion with Trusts and their staff. The proposed approach is that Trusts will operate with devolved responsibility for local quality assurance arrangements but that assurance must flow through the Trust and be evidenced to NOMS by the Trust Chair and Board. Specific work is underway to develop and test an approach to the quality assurance of offender management which is aligned to HMIP benchmarks and supports NOMS' service level outcomes, and through this the Agency will seek assurance that progress is being made against any issues highlighted by the Inspectorate.

Trusts are required to maintain a risk management process and to provide evidence of this. As part of a maturing contract relationship with Trusts, NOMS is proposing to further develop and broaden its dialogue on risk to seek better alignment between local and national business risk management.

Contracted Prisons

Arrangements for assurance of delivery by Contracted Prisons are set out in the Contract for each prison. In summary these are:

- The establishment shall be responsible for self-audit, assurance statements and internal management and governance checks to verify that services are being delivered in accordance with the requirements of the Contract
- Commissioners may commission external (MoJ Audit and Corporate Assurance-led) audits in specific areas where internal processes do not assure commissioners of Contract delivery
- NOMS is responsible for making arrangements for other consultancy, inspection and review services in order to provide the assurance required by the Offender Management Regulatory Framework
- The Provider will maintain a risk management process in accordance with HM Treasury's *Managing Public Money* document and guidance outlined in the NOMS Risk Management Strategy.

Public Sector Prisons

Arrangements for assurance of delivery by Public Sector Prisons will be set out in the Service Level Agreements for 2012-13, which will be published. In summary, the arrangements will be:

- The establishment shall be responsible for self-audit, assurance statements and internal management and governance checks to verify that services are being delivered in accordance with the requirements of the SLA
- The Commissioner may commission external (MoJ Audit and Corporate Assurance-led) audits in specific areas where internal processes do not assure commissioners of SLA delivery
- The Commissioner will review delivery against the SLA by means of a proportionate review process, largely relying on the Provider's internal assurance information and processes
- The Provider will maintain a risk management process in accordance with HM Treasury's *Managing Public Money* document and guidance outlined in the NOMS Risk Management Strategy.

Contact Information

If you would like to comment on this document, please contact:

Commissioning Support Unit

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A. Equality Impact

The Equality Act (2010) requires public bodies to consider the impacts of the policy and funding choices they make, both positive and negative, with specific reference to groups with the following protected characteristics:

- disability
- race
- sex
- gender reassignment
- age
- religion or belief
- sexual orientation
- pregnancy and maternity.

The Agency's final commissioning priorities will be subject to an Equalities Impact Screen and where necessary full Impact Assessment and any resulting action plan will be published. To support this process NOMS would particularly welcome feedback against the following questions as part of the process of dialogue with providers and wider stakeholders on our commissioning intentions.

- 1) In what ways might the range of services NOMS proposes to commission have a **positive equality impact** on groups of people who have protected characteristics?
- 2) In what ways might NOMS further **strengthen equality of opportunity** for groups of people who have protected characteristics through our commissioning choices?
- 3) Can you suggest how NOMS Commissioning Intentions can **promote positive relationships** between groups with the protected characteristics listed above?
- 4) In what ways might the range of services the Agency proposes to commission have an **adverse equality impact** on groups of people who have protected characteristics, and where such impacts are likely what changes could we make to our intentions to **mitigate** these?

Feedback should be provided in writing to the contact details provided on page 34.

B. Supporting Information

The following information sources provide more detail and context to this document:

An Introduction to NOMS Offender Services Commissioning (2011)

www.justice.gov.uk/downloads/publications/corporate-reports/noms/intro-to-noms-commissioning.pdf

Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders (2010)

www.justice.gov.uk/consultations/consultation-040311.htm

Breaking the Cycle Evidence Paper

www.justice.gov.uk/downloads/consultations/green-paper-evidence-a.pdf

Legal Aid and Sentencing Bill

www.justice.gov.uk/publications/bills-and-acts/bills/legal-aid-and-sentencing-bill.htm

Ministry of Justice Business Plan 2011-15

www.justice.gov.uk/publications/business-plan-2011-15.htm

National Offender Management Service Co-Financing Organisation

<http://co-financing.org>

National Offender Management Service Directory of Services and Service Specifications

www.justice.gov.uk/about/noms/noms-specification-benchmarking-and-costing-programme

Offender Services Competition Strategy (2011)

www.justice.gov.uk/publications/corporate-reports/moj/oscs.htm

Open Public Services Website

www.openpublicservices.cabinetoffice.gov.uk

Offender Management Statistics Quarterly Bulletin

www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/oms-quarterly.htm

Prison Population Projections

www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/prison-population-projections-ns.htm

Prison and Probation Performance Data

www.justice.gov.uk/publications/statistics-and-data/prisons-and-probation/prison-probation-performance-info.htm

Reoffending Data for Prisons and Probation

www.justice.gov.uk/publications/statistics-and-data/reoffending

Sentences of the Court

www.direct.gov.uk/en/CrimeJusticeAndTheLaw/Sentencingprisonandprobation

Prison Finder

www.justice.gov.uk/global/contacts/noms/prison-finder/index.htm

Probation Trusts

<http://www.justice.gov.uk/about/probation.htm>

C. Glossary of Terms and Acronyms

Co-commissioning	Two or more commissioning agencies aligning strategies for using their resources
Commissioner	Designated representative of the organisation (the Authority) responsible for commissioning services
Commissioning cycle	One complete commissioning round comprising planning, purchasing and performance management
Commissioning Intentions	Document setting out proposed commissioning priorities to support engagement with both current and potential providers as well as wider stakeholders as part of the NOMS Strategic commissioning cycle
Competition	A competitive procurement exercise to award a contract or service level agreement under procedures specified by European procurement directives
Contract	Legally binding agreement between an authority (e.g. NOMS) and a provider organisation to deliver agreed service outcomes within an agreed pricing and payment structure
Decommissioning	The process of planning and managing a reduction in service activity or terminating a contract in line with commissioning objectives
Demand	The predicted or actual volume of services needed to meet the requirements of the courts in carrying out sentencing e.g. provision of custodial places or availability of provision for particular sentence types or interventions
Ethical walls	Communication and information sharing barriers which provide clear separation between NOMS commissioning and provider functions (i.e. Public Sector Prisons) in order that no provider has access to information or is treated in way that gives unfair advantage
HMPS	Her Majesty's Prison Service. Provider arm of the National Offender Management Service responsible for managing Public Sector Prisons
Local commissioning	The commissioning of offender services in and for a defined local area (including localised subcontracting by a 'prime provider')
Need	Requirements for different types of offender services to respond to needs of service users and or wider beneficiaries linked to reducing reoffending, public protection or delivering the sentence of the courts. May be defined for an individual user as part of case management or collectively e.g. for offenders in a location or groups of offenders
NOMS	National Offender Management Service Agency (or its designated representative, acting in a corporate capacity)
NOMS Board	Board with overall responsibility for the National Offender Management Service, chaired by the Chief Executive of the Agency
Offender Learning and	Service commissioned by the Skills Funding Agency, an Agency of the

Skills Service (OLASS)	Department of Business Innovation and Skills, to deliver education and skills provision in custody and the community. Co-commissioned with NOMS
Offender Management	An evidence-based case management structure for adult offenders sentenced by the courts providing an end-to-end process of supervision by a named offender manager throughout a sentence
Offender Services	User facing services delivered to offenders, defendants, victims, courts and communities
Offender Services Commissioning	The cycle of assessing the needs of courts, offenders, defendants, victims and communities then designing, securing and monitoring services to meet those needs while making best use of total available resources
Outcome	The overall change in service recipients' or beneficiaries' lives as a result of receiving a services e.g. a reduced likelihood of reoffending
Outcome-based commissioning	Commissioning services on the basis of outcomes for service users and beneficiaries. A focus on what the desired impacts of services are for users and beneficiaries as opposed to how or who delivers services
Partnership	Two or more organisations working together for mutual benefit. May be response to meeting statutory, strategic or operational requirements
Payment by results	Contractual funding mechanism where full or partial payment is dependent upon achieving an agreed level of performance against a defined outcome or outcomes
Prime provider	A provider who holds the contract for delivery of offender services through a managed supply chain of sub-contractors or sub-prime organisations
Probation Trust	Non Departmental Public organisation and body corporate commissioned on behalf of the Secretary of State for the delivery of probation services in an area, as defined by the Offender Management Act 2007. Replaced Probation Boards
Prison	A custodial establishment for male or female adult offenders as defined by the Prisons Act 1952 (Amended)
Private sector provider	A company in private ownership able to contract for services
Public sector provider	Any public sector organisation responsible for, or capable of providing, commissioned services. Examples include HM Prison Service, Probation Trusts, other central government departments or their agencies and Local Authorities
Skills Funding Agency (SFA)	Agency of the Department for Business, Innovation and Skills responsible for commissioning the Offender Learning and Skills Service
Service Level Agreement (SLA)	A non-legally binding statement of mutually agreed levels of service provision. Most commonly used to specify in-house provision (e.g. between NOMS and HM Prison Service) as the Crown cannot contract with itself. Also used where a public body enters into a grant

agreement with a voluntary, community and social enterprise sector organisation

Service provider

An organisation from any sector responsible for, or capable of providing, commissioned services

NOMS Service specification

A document specifying, for each service in the **NOMS Directory of Services**, the outcomes and outputs to be delivered. These combine to form the NOMS Directory of Services

Voluntary, community and social enterprise providers

Non-governmental 'civil society' organisations that are value driven and which principally reinvest their surpluses to further social, environmental or cultural objectives and which are capable of contracting to delivering services. It is an umbrella reference to a range of organisations that includes voluntary and community organisations, charities, social enterprises, social firms, co-operatives and mutuals. Also referred to as Civil Society Sector

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