

Community Justice Scotland

Ceartas Coimhearsnachd Alba

Community Justice
Strategic Commissioning Framework
Guidance

A toolkit for collaborative prevention, rehabilitation and reintegration

CONSULTATION DRAFT

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1. What is strategic commissioning?

Commissioning is about identifying what people need from services and arranging the best possible provision to meet needs using available resource. Activities include understanding need, what the evidence says is the most effective way to meet it, putting the best choice in place and reviewing impact.

Commissioning is often shown as a cycle with four stages: **Analyse**, **Plan**, **Deliver**, and **Review**. Each stage runs in order and informs the next. New planning and delivery begins with activities in Analyse and with clear strategic outcomes agreed. This is a summary of each stage:

Analyse creates the evidence of available resource, what people need from services, what services are most effective, and the priorities and roles of partners helping to deliver them.

Plan involves considering any gaps in current provision, ways to put the most effective services in place and developing a strategy to do that.

Deliver involves all activities during the delivery of the strategy. It focusses particularly on good oversight, relationships and capacity building between commissioners and service providers so that quality is assured and improved.

Review includes reflecting on how well people's needs have been met and services been delivered to understand if outcomes have improved.

'Joint strategic commissioning' is about commissioning different services on a *long term* and *multi-agency* basis for a group of people. This is what Community Justice Partnerships are developing. It will involve all partners working together to develop a long term strategy to arrange, put in place and oversee the best possible community justice services in their area.

Community justice legislation places a joint responsibility across community justice partners to arrange the best possible services. To support Partnerships with undertaking this together, this Guidance is targeted and tailored to their use. The principles should apply across all partners who are arranging community justice services.

For simplicity, the term 'commissioning' is used in this Guidance.

Done well, commissioning within community justice will adopt a 'whole systems approach' to everything it does. This means considering all of the community justice partners and pathways involved with supporting people as a system. It means thinking about all of the connections and how all partners work at every point to the common goal of supporting people away from re/offending and towards rehabilitation / reintegration.



Commissioning sometimes involves arranging services through procurement, grant, or other types of contracting. This Framework uses the terms 'purchasing' and 'procurement' to refer broadly to all activities and routes to 'buying' services. These will not always involve competitive processes. Procurement is part of commissioning, where it happens, and includes specific activities such as tendering and contracting. If 'buying' services, ensure that procurement colleagues are involved at the beginning of the commissioning process to support early thinking about the best ways to put services in place. Requirements, exemptions and processes will vary depending on a range of factors and should be considered on a case by case basis. Any public authorities procuring services must comply with the EU procurement regulations¹ and the Procurement Journey², while private organisations will follow their own processes. Procurement colleagues can also advise on appropriate engagement of providers in commissioning activities, if there are plans to 'buy' services.

At the start of any new process, a clear understanding across partners of what is involved is essential to doing it well. Take time as a partnership to discuss what is involved so that everyone is clear about what will be done, when, and by who. The Community Justice Outcome Improvement Plan will be the main document that develops through joint strategic commissioning (CJOIPs). For Partnerships, this will become their 'commissioning strategy' (the long term plan outlining how strategic outcomes will be met). Individual partners will have their own plans that outline this information as they do not develop CJOIPs. When the Guidance describes CJOIPs it refers to what they will develop to include in future.

¹ More information available at: https://www.gov.uk/quidance/transposing-eu-procurement-directives

² More information available at: https://www.procurementjourney.scot/procurement-journey

(Adapted from model by the Institute of Public Care, 2017)

1.1 Strategic commissioning in community justice

1.1.1 CJOIP (Commissioning strategy) checklist

The following checklist shows what Community Justice Outcome Improvement Plans should develop to include as Partnerships develop and embed commissioning:

Vision – what is the Partnership goal for community justice provision?	
Short, medium and long term outcomes	
Strategic objectives	
Priorities	
Governance arrangements (see section 6.1)	
How activities will be developed, delivered and overseen (roles and responsibilities of partners)	d
Delivery plans for achieving objectives over the next 1-3 years, in 'SMART' terms ³	1
Arrangements to ensure any major changes to services will be put in place and retained during the period of the CJOIP	ì
Key deliverables	
Workforce considerations (e.g. emerging skills shortages or training requirements)	9
Involving those with lived experience and practitioner and provide perspectives - how and when people will be involved in planning and delivery	
Links to supporting documents (e.g. Participation Statement, Impac Assessment, Needs Assessment)	t
Evaluation and improvement - how outcomes, process and impact wi be monitored, measured and improved upon (where necessary).	l

The Guidance outlines tips, tools and principles to support Partnerships with the points above.

The next section outlines key principles for good practice.

³ SMART – Specific, Measurable, Achievable, Realistic, and Time-bound

1.2 Key principles for commissioning well

The following key principles should be used in all activities:

- Focus on people's needs across partners (all decisions should focus on how best to meet these and improve people's outcomes)
- Each activity in the cycle is equally important and informs the next
- Commissioning drives any 'procurement' of services (not the other way around)
- Dialogue with people, practitioners, and providers should be maintained throughout the process
- Learning from previous community justice procurement should inform long term plans

Establishing agreed principles across all partners involved in commissioning will help to support a common purpose and ongoing commitment as the work progresses. There may be additional principles that the Partnership wants to identify and commit to.

Questions for partners, tips and checklists are included throughout the Framework. Use the check point boxes to discuss current views in the Partnership about commissioning and whether any changes are necessary:

Check point

For discussion with partners:

Do we have a shared understanding of commissioning?

If no, how will we develop this?

Do we have an agreed set of principles as a Partnership? Do they reflect good practice?

If no, how will we develop these and put them in place?

The next section outlines key activities that are common across all commissioning cycles.

Want more information? – See Appendix D for training options

2. Key commissioning activities

This section includes two activities that should be in place across all commissioning activities. They relate to ensuring good governance and coproducing with people and partners.

2.1 Good Governance

Good governance is key to ensuring robust accountability, resourcing, delegation and direction in commissioning. At the start of any new cycle, it is important to have governance arrangements clearly outlined. These can be included in a Terms of Reference or Memorandum of Understanding, for example.

Content should include clear responsibilities and accountability for:

- ✓ leading the development of the Community Justice Outcomes Improvement Plan
- ✓ agreeing priorities, including routes to more senior decision making if required
- √ aligning / pooling resources on agreed priorities
- ✓ leading strategic change and / or improvement
- ✓ securing partner commitment to delivering actions (including senior support to resourcing if not directly available within CJP membership)
- ✓ overseeing implementation of agreed plans
- ✓ reviewing the strategic impact of services

2.2 Effective co-production and participation

It is a key part of good commissioning to put people using services at the heart of decision making, and involve them in all processes. In parallel, an inclusive approach to commissioning that supports participation with communities and wider partners is also recommended. Within the National Strategy for community justice, local Partnerships are asked to 'integrate non-statutory partners such as local businesses, service users, citizens and community bodies into community justice planning structures and processes'.⁴

The views of people, communities and wider partners will help to develop the best possible design and delivery and support everyone's skills and capacity to be used to best effect. Done well, working together to jointly design and deliver services will improve outcomes for people *and* services.

In developing coproduction, there are a range of approaches and levels of involving people, and these should be proportionate to the decisions being made. It is particularly crucial when service transformation is likely. The following sections outline ways that coproduction can improve the quality of services, and some principles for considering the best approach when engaging with people with lived experience and wider partners. More tools are in the Appendices.

⁴ SCOTTISH GOVERNMENT, 2016. The National Strategy for Community Justice

2.2.1 With people in and on the edges of justice

Involving people with lived experience of the justice system might include people who have committed an offence, victims, family members, representative community bodies / groups and the wider community. This can support commissioning in a range of ways, including with:

- √ governance assurance and performance management
- ✓ identifying what people want, need and prefer from services
- √ defining priorities developing strategies and plan
- ✓ service design designing pathways and service specifications
- ✓ procurement inputting into activities e.g. tendering and contracting
- ✓ review giving feedback on existing provision
- √ future improvement opportunities for innovation or transformation

The approach taken will depend on the significance of decisions the Partnership is planning to make, the needs of different groups, and any lack of evidence about people's needs or preferences. Considering where involvement will have the greatest impact can help to prioritise if necessary.

There will likely be existing processes in place to gather people's views. These might include surveys or inspections. When planning a new activity to involve people with lived experience, the following checklist outlines some points to consider:

Level of influence	the weight that people's views will have in decision making (the ladder of engagement ⁵ might help with this)
Feedback loop	how to sense check decision making and / or tell participants how their input informed decision making, e.g. 'You said, we did' sessions
Evaluation and future improvement	how to capture process and outcome learning (both positive and negative) and use in future activities
Equitable access	ways for people with experience of the justice system (including as victims) to share views
	how to tailor activities to ensure no-one is excluded and that people with different needs can take part (e.g. physical access, communication or religious needs)
Targeting	how to particularly involve and understand the needs and preferences of those who are worst off, and who could benefit from services but do not use them (for effective action on inequalities)
Transparency	an open and up front description of the process, the evidence base for decision-making, constraints, and any limitations to confidentiality
Avoiding bias or apathy	avoiding consultation fatigue or always asking the same people for their views
Ethical, trauma informed approaches	ensuring appropriate, ethical and trauma informed methods

⁵ See, for example: https://www.england.nhs.uk/participation/resources/ladder-of-engagement-2/

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Consider if Participatory Budgeting is a feasible approach to take, either with local residents, and / or people using services as 'the community'.

Want more information?

Links to Participatory Budgeting are in Appendix B.

Toolkits for involving people in commissioning and developing trauma informed practice are in Appendix C.

2.2.2 With wider partners and stakeholders

Effective co-production will ensure the best possible services and a common goal across partners. Long term, outcomes-focussed discussions are important to achieve a shared understanding of need and contribution to priorities across services. Developing a shared focus on common problems across all partners can help develop a shared vision for the future and transformational strategies to achieve it.

Developing a shared understanding of perspectives, expertise, constraints and actions is also important. Doing so can increase each other's effectiveness and strengthen impact by best using expertise and capacity across partners.

The role of the third sector in improving people's outcomes by involvement and coproduction in planning is recognised in the National Strategy for Community Justice, and Partnerships have a duty to engage with them in planning. Others, such as the private and independent sectors, are also recognised. As with people and communities, Partnerships should involve wider partners across all activities. Depending on the nature of the activity, the level and type of involvement with some partners will differ.

Capacity constraints can challenge the ability to coproduce with stakeholders but it is important to invest the time to do this. It will enable mutual trust, good collaboration and innovation to develop across commissioning.

Check point For discussion with partners:		
	If no, where are the weak points?	What will we do to put this in place?
Do our governance arrangements include all points listed in Section 2.1?		
Are we involving people and wider partners across all stages of strategic commissioning?		

3. Key commissioning skills, competencies and roles

A number of skills are core to the development and delivery of commissioning strategies. They are included to allow reflection on whether the necessary skills are held within Partnerships and, where there is a capacity or development need, how this will be filled. It might be that accessing existing specialist support can be explored (e.g. planning or analysis). While skills may be well established within single organisations, their successful delivery on a multi-agency basis is more complex and will need time to develop if this is not already in place.

The following skills are key to developing a good CJOIP or commissioning strategy:

- ✓ project management, including developing SMART objectives/actions
- √ change management
- √ policy analysis
- ✓ data collection and analysis (including horizon scanning)
- ✓ qualitative research
- ✓ working with people using services and their families
- ✓ interviewing people, designing questionnaires and analysing responses
- ✓ delivering presentations
- √ managing and facilitating workshops
- √ report writing

3.1 Leadership

Good commissioning requires strong leadership to develop a long term perspective on future delivery, secure visible ownership across partners and drive the shared agenda. It also requires a commitment to developing outcomes-focussed working across partners, and a culture open to change, supportive of learning, improvement and innovation. Strong leadership is required of roles that involve:

- a) overseeing the commissioning system, its aims and risks
- b) leading the development of CJOIPs / commissioning strategies and partner support
- c) ensuring implementation of planned strategic improvement activities
- d) reviewing strategic impact and effecting change.

Good leadership will find and maximise benefit from other parts of the system, build relationships and partnerships and choose the right level of strategies, outcomes and resource to achieve better outcomes for people⁶.

Tip: To reflect on current leadership and any areas for development, use ✓ criteria outlined in 'Good Governance' section

[✓] the Care Inspectorate's self-evaluation quality indicators 9.1-9.4.

⁶ See Institute for Public Care (2014) Joint Strategic Commissioning Learning & Development Framework for the full outline of these skills and roles

3.2 Management

Commissioning strategies (CJOIPs) will involve multiple actions across partners. High level and strong project management skills are therefore key to successful commissioning. Good management necessarily involves understanding the challenges experienced by partners both individually and collectively, and creating solutions that allow strong, mature partnership working to develop.

Management of the design and delivery of arrangements will apply to people whose roles involve:

- a) designing and sustaining collaborative commissioning arrangements
- b) ensuring effective engagement of commissioners with people and partners
- c) ensuring proper management of shared resources, performance, risks and quality
- d) leading CJPs / collaborations to implement evidence-based improvement
- e) managing connections with other community plans and/or agreements.

3.3 Partnership

Strong partnership working is the third core skill set. Done well, this focusses on action to achieve the best possible outcomes for people, over and above individual partner interests. It often involves those who do not hold the key roles in commissioning design and delivery but who, critically, ensure authentic co-production. People requiring these skills include roles with responsibilities in:

- a) effective Partnership development and delivery of CJOIPs
- b) contributing to shared activities (e.g. needs analysis or service mapping)
- c) membership of Community Justice Partnership
- d) strengthening collaboration across practitioners and services for better population outcomes
- e) collaborative review of performance and impact.

Example roles in community justice include information and intelligence sharing, coordinating activities and funding activities together.

3.4 Production

Production skills relate to developing various outputs across the commissioning cycle. These include needs assessment, service mapping, and participation statements, for example. These skills will be located across a range of partner organisations, and effective delivery will require a sharing of skills to achieve strategic outcomes.

Within community justice these skills will be drawn from a range of professionals and may include those working in strategic planning, data analysis, researchers, procurement and in/equalities for example.

Check point For discussion with partners:		
	Yes/No	If no, where are the weak points?
Has our Partnership clearly identified roles and responsibilities across leadership, management, partnership and delivery? (These will be finalised when the long term strategy is developed in Planning .)		
If there is a capacity or development need, do we have a plan in place to fill that?		
Does each partner have a named strategic and operational lead for each person centred outcome?		

Want more information?

See Appendix D for a detailed learning and development framework for commissioners and delivery of leadership, management, partnership and production roles.

In the next sections of the Framework, each individual stage of the commissioning cycle is outlined. The first section looks at **Analyse**. Although each stage of the cycle is as important as the next, the first two stages take the most time to deliver. Also, processes and practices to support long term effectiveness are less well established within community justice. For these reasons content in the following pages is most detailed for activities in **Analyse** and **Plan**.

4. The commissioning cycle

4.1 Analyse

Define what you should do - and how



Before starting activities in Analyse, ensure partners have a shared vision and purpose of what is to be achieved. If these are not yet developed, take the time to do so – it will help guide onward collaboration and decision making throughout the process. This section also assumes that Partnerships have agreed strategic outcomes in place for the area and any particular groups of people, e.g. preventing and reducing reoffending, increasing equity of access to services, improved mental health.

Using the information collected through activities within this section, Partnerships will be able to establish whether certain types of provision or population sub groups need to be prioritised (this is done in the **Plan** stage).

Activities in Analyse aim to identify what people need from services, the most effective ways to meet that need and available resource to put services in place. It is crucial to gather high quality information to support a robust, long term CJOIP. Involving people and partners in each activity will help to ensure reliable findings and collective support to using these to inform decisions about how best to meet people's needs.

As community justice is a broad and complex system, it will be useful to define the scope of activities at the outset. Journey approaches used in improvement methodologies may be helpful⁷. These can help to clarify the level of upstream and preventative action across the Partnership area and possible opportunities to increase it over time, as well as better points in people's journey to support them.

It is likely that a range of analyses will have already been done that Partnerships can access.

Often, Analyse is the stage that takes the most time and resource to do well.

⁷ An explanation of this approach is available here: http://www.improvementservice.org.uk/customer-journey-mapping.html

4.1.1 Fully understand and map partner resource

This stage aims to create an understanding of what resource is available to the Partnership to achieve its strategic outcomes. 'Resources' include people, expertise, information, property, and finance. In mapping what is available, include *all* partners providing support or services to people in community justice, including non-statutory and third sector partners. Types of resources could include: good existing collaborations, analytical staff, and relevant reports.

Including the types of resources needed for joint strategic commissioning will help Partners to consider how to put these in place. Examples might include analytical skills or training options.

Tips: When mapping resources, including partners' deadlines for submitting funding bids, can help ensure any requests are developed and submitted in time.

See 'Key commissioning skills, competencies and roles' to assess how far the necessary skills are in place (or can be accessed).

Community Benefits may be a training / apprenticeship resource for people and providers. See Appendix B for further information.

4.1.2 Review and map available services

This activity aims to understand the level, range and quality of existing services. Reviewing availability and design (across statutory and wider partners) will allow an assessment of how well current provision aligns to people's needs, whether quality and value for money are sufficient, and if there are risks to sustainability or quality of provision.

In mapping services, activities are focused around enabling partners to identify:

- types of services currently provided, organisations providing them, arrangements for provision (e.g. funding source and governance)
- any specialist services (e.g. for people with multiple or complex need)
- how services differ (e.g. intended outcome, target group, availability in different areas)
- existing cost, quality and activities of provision
- current and anticipated future funding and capacity levels (or risks to same and/or sustainability)
- skills and expertise of the workforce

- services' main focus: primary, secondary or tertiary prevention (See Appendix B)
- any duplication in provision.

Tip: Quality can be assessed using a range of approaches, for example: feedback from people and practitioners, inspection or evaluation findings, complaints, mapping experiences across the justice to rehabilitation pathway.

As with mapping resources, include all services in community justice. Having this information available will support Partnerships to assess and identify the contribution providers *could* make to strategic outcomes in the next stage ('Plan'). Mapping services focuses on primary and secondary provision and will also help to create an overview of the balance of current provision and potential for increasing upstream action. This is a key activity to deliver robustly, in order to make credible decisions about future delivery in the next stage of the process.

Need more information? In 2019/20, Community Justice Scotland will be producing guidance to support local areas to map services and develop a robust strategic needs assessment to set local community justice priorities and baseline future progress.

4.1.3 Assess the needs of your people

This activity aims to understand what people need from services to stop or reduce offending and to improve their life circumstances, resilience and opportunity. Undertaking a robust needs assessment will support decisions about how to arrange and resource the best possible services to give greatest benefit to people. This is a crucial piece of work for a strong long term strategy.

Needs assessments should be outcome focussed and person-centred. For the purposes of the needs assessment, defining 'need' as 'the capacity to benefit from services' will help keep a focus on gathering only data that will help identify improvements and people who could benefit.

Needs assessment guidance talks about a 'population' approach. This refers to the group of people being considered in planning. In Community Justice Partnerships this will include everyone in and on the edges of community justice in that local authority. For an individual partner, it might be people in a single service.

⁸ ISD SCOTLAND, 2014. Population Needs Assessment for Health and Social Care Partnerships: guidance on the use of data sources

Some smaller groups of people should be considered, where they have particular needs. These are described as '**population sub-groups**' and examples include people at high risk of re/offending or people with a disability.

As far as possible, a range of factors should be included in assessments (social, economic, environmental and political). These can help identify barriers to accessing services e.g. distance between home and services, transport availability in rural areas.

The National Strategy for Community Justice (2016) outlines the needs that partners should identify and address to support people to desist from offending and towards rehabilitation and reintegration. These are illustrated below:



(Scottish Government, 2016: 23)9

Good practice highlights that needs should be considered holistically. Each Partnership will have statutory and wider partner representation of all of the above needs. Named strategic and operational leads should be identified for each (i.e. health, education and training, etc.). This will support understanding of population need in each 'category' as well as the overall profile of people in the Partnership area. Named leads can also provide oversight and action to improve outcomes throughout the process.

Needs assessments typically use three approaches¹⁰:

⁹ SCOTTISH GOVERNMENT, 2016. The National Strategy for Community Justice.

¹⁰ ISD SCOTLAND, 2014 (as previous)

(a) Quantitative: these outline the size and make-up of the population, including demographic information about the area, key subgroups (e.g. age, gender) and changes over time. These approaches usually include current and projected future numbers, broken down by factors such as gender, urban-rural status, or ethnicity for example.

Where at all possible, profile the **level** and **complexity** of people's need (for example those with substance misuse issues, and those with substance misuse **and** mental health **and** housing issues **and** experiencing financial crisis). This will help identify those with greatest need.

(b) Comparative: comparisons can help to identify variations and possible areas of need. Comparisons can be done across, for example: the same population groups in different areas or differences over time (e.g. current profile compared to five years' previously).

An example of comparison is the difference over time in the number of people being diverted from prosecution by the Crown Office and Procurator Fiscal Services (COPFS). Comparison of numbers over time allows consideration of possible future increases or decreases in the use of services.

(c) Engagement: these aim to capture views about current needs and future priorities. They mainly use qualitative information and might include direct engagement or research. A range of people might be involved, e.g. those with experience of services, practitioners, policy and planning colleagues, and service providers. It is important to include those who have not accessed services (or left early), in order to understand their needs too. See the section on 'Effective co-production and participation' for more information.

A local example is an exit survey from a service. These enable an understanding of whether needs are being met and any gaps identified.

Predicting future need is an important part of needs assessment to be able to plan on a medium to long term basis. Currently, data challenges mean that there is very limited ability to do this (larger areas may be able to use Community Payback Order or Persistent Drug User data). The aspiration is that ability to predict need on a short, medium and long term basis will be developed in the near future.

Want more information? See Appendix B for a list of datasets to support geographic assessment of need in community justice strategic planning.

Training and guidance on horizon scanning will be available to community justice partners in 2019/20

4.1.4 Define what you should do – and how

This section is about stock-taking obligations, opportunities and effective action. It aims to help Partnerships to be clear about:

- legislative context to services in community justice
- individual partner (and other Partnership) priorities and commitments, and opportunities to align these

what the evidence says is the most effective action to meet people's needs.

Drawing on legislation and guidance supports clearer understanding of the 'golden thread' from national to local outcomes, and the alignment of partners' priorities with the vision of the Partnership. Equalities, human and patient rights legislation, and wider quality standards should also be considered. Summarising relevant links within community justice can help to identify opportunities to secure support for action and deliver more effectively on priorities.

For example, good links with Community Planning Partnerships (CPPs) could help maximise opportunities for targeted community justice action within existing local priorities such as financial inclusion or housing. Local reference documents are likely to include plans relating to Local Outcome Improvement, anti-poverty, or gender based violence, for example.

This stage can also clarify partner responsibilities in different areas of provision. Mapping responsibilities is often most useful in pathway planning, for example, partner actions to improve transitions from prison into the community.

The evidence base will outline effective or promising interventions with different groups, or the types of actions most likely to reduce reoffending and inequalities.

It is helpful to produce a clear summary statement of key partner (or partnership) duties, requirements and any principles for effective action.

Want more information? See Appendix B for:

- Evidence summaries for effective and promising interventions and investments for community justice populations and priorities ('What works')
- Actions that Community Justice Partnerships can take to reduce inequalities and reoffending
- Reflections from Community Planning Partners about using different types of evidence in planning.

The end of **Analyse** can be a good time to reengage widely to share findings and conclusions. Engagement can help to:

- deepen understanding of conclusions and identify any assumptions (e.g. how well current provision is meeting need)
- start thinking about how and where provision might need to change
- check if the right questions and data have been used
- allow people to input, if they think there are gaps.

Before moving on to the next stage, consider as a Partnership:

Check point For discussion with partners:		
Do we have a clear and robust understanding of	Yes/No	If no, where are the weak points?
<u>All</u> partner resource?		
Current service quality and availability?		
People's current and future needs?		
What policy, legislation and evidence say should be delivered?		

The next section looks at **Plan**. Its activities use findings from **Analyse** to develop a long term strategy to arrange the best possible services for people.

4.2 Plan



Activities in **Plan** focus on creating a long term strategy for the best possible provision to meet people's needs. Ownership of this stage by commissioner(s) is critical, although wider partners and stakeholders should also contribute.

Community Justice Partnerships currently outline their strategy to meet national and local community justice outcomes in their Community Justice Outcome Improvement Plans (CJOIPs). Most Partnerships have developed Plans of three to five years. As joint strategic commissioning is embedded, planning will look to the longer term (i.e. 10-15 years ahead or more). This longer term focus aims to increase joint action to improve outcomes for the whole population (including more preventative and root cause action). CJOIP content will develop in line with this timescale to outline long term strategies to arrange the best possible community justice services.

4.2.1 Identify the gaps between need and provision

The first area of action is to identify any major gaps between current service provision, people's needs and preferences and what the evidence says is the most effective provision. This is done using the findings and conclusions from **Analyse**. For example, if a Partnership's strategic outcome is to improve recovery among a group of people, any gap in provision can be identified by cross referencing:

- people's recovery-related needs and preferences, to
 - o the nature and availability of existing recovery-related services, with
 - how well provision aligns with the evidence on what is most effective.

4.2.2 Develop priorities, and strategies for the right services at the right time

The next action is to consider how best to arrange provision to meet people's needs, using evidence gathered to date. Decisions will inform the 'commissioning strategy' or CJOIP as it is currently known: a strategic plan outlining a high-level, long term approach to secure all necessary services, develop their specifications, and oversee their delivery. In Partnerships, this strategy should cover the whole system of community justice provision across statutory, non-statutory and wider partners.

For Partnerships, this commissioning strategy will become an updated, expanded CJOIP (partners may develop individual commissioning strategies). All will outline what outcomes are to be achieved in the long term, and to achieve these, what will change in the short and

medium term. Shorter term arrangements are outlined in more detail and called 'Delivery plans'. (Many Partnerships currently have these in place and call them their 'action plan'). Developing long term strategies will necessarily involve deciding how best to organise a range of services to meet people's needs and where best to invest resource to achieve that. These should include plans for the whole population and any sub-groups with particular needs, including those furthest away from meeting outcomes and/or least likely to engage with services.

Strategies should include '**Strategic objectives**': SMART statements of what needs to be done to achieve strategic outcomes. These (and the long term strategy) are often high level but act as an important, agreed direction across partners and provision.

An important activity to inform these decisions is to assess different options and their strengths and weaknesses ('options appraisal').

Some services may need to be prioritised when resources are limited. Where **priorities** need to be developed, a prioritisation exercise can support best value and decisions aligned to strategic objectives. Clear and transparent criteria are important to support fair and robust decisions. Guiding principles for prioritisation include being:

- assets-based, to best use people and communities' strengths
- rights-based, equitable and participative
- focussed on services that will prevent negative outcomes
- ethical, transparent, objective and fair
- practical and proportionate to the size and impact of decision making¹¹.

Long term strategies may mean 'decommissioning' has to be considered: removing provision that is *not* effective, reducing what is *less* effective and retaining (or expanding) the *most* effective (achieving these principles may include service redesign rather than cessation). Any process to decommission should be guided by evidence gathered in **Analyse** and the gap analysis which identify how well current provision matches with what people need and what the evidence says is most effective way to meet it.

In outlining plans in the shorter term, **Delivery plans** should also be outlined in SMART terms and include actions to achieve strategic objectives over a 3 year period. The greatest detail should be given to arrangements for the forthcoming year. Plans should be outcome focussed and outline how delivery in years 1-3 will contribute to longer term outcomes. Contributions, roles and responsibilities across partners should be included. Where particular services are to be put in place, plans should outline how these specifications will be developed. These might include activities and routes to 'buying' services or coproduction for example. All services should give clear attention to developing personcentred approaches, to meet people's needs.

Delivery plans should include key activities and their resource requirements, including any cost implications (efficiencies or otherwise) or leveraging of resource. They should outline agreed partner arrangements for resourcing of services. Where these cannot be decided directly within the Partnership, the outline of Governance arrangements provides routes to more senior decision making.

¹¹ SCOTTISH GOVERNMENT, 2016. Advice Note - Prioritisation Process; SCOTTISH GOVERNMENT, 2011. Commission on the Future Delivery of Public Services

Beyond outlining how services will be secured and their specifications developed, preparations of Plans should include effective impact monitoring and oversight. Arrangements should include:

- ✓ an overall plan for monitoring and review, including ways for commissioners, providers and wider stakeholders to assess progress
- ✓ agreed measures to assess activity, performance and impact (linked to strategic outcomes) as well as the frequency of analysis and reporting
- ✓ for 'purchased' services, agreements that have clearly outlined terms and conditions to ensure effective monitoring (e.g. contract or grant documentation).

Want more information? Detailed advice on prioritisation and options appraisals is provided in Appendix B

Tip: Individual national partners' planning will be strengthened by strong localnational mechanisms to develop comprehensive conclusions to activities in Analyse where these do not already exist. Doing so will also strengthen collaboration to identify, agree and disseminate priorities.

Use the box below to discuss current practice and any areas you might develop:

Check point For discussion with partners:		
Are all partners/colleagues aware of the duty to:	Yes/No	If no, where are the weak points?
Ensure a sufficient level and mix of services that reflects the evidence about what is most effective?		
Ensure community justice services are tailored to people's needs?		
Has our Partnership clearly identified roles and responsibilities across leadership, management, partnership and delivery?		

4.2.3 Design services to meet needs and priorities

This section outlines key points to consider in designing services outlined in the CJOIP. Ensuring provision can be put in place and sustained over the long term may involve both big and small changes. They may need to consider changes across the whole system of community justice provision or within particular clusters of partners. Changes may include: reconfiguration, co-location, contract renegotiation, or the creation of new services, for example. Design should always be based on the evidence base to ensure effective models are put in place that are person-centred, timely, effective, efficient and equitable. Evidence that is relevant to characteristics of local need should be considered (e.g. effective rural models for rural populations).

Want more information? See Appendix B for links to evidence for Partnership action to prevent and reduce re/offending and reduce inequalities

Involving wider stakeholders at this stage is particularly important. Engagement will help to test and refine plans and ensure no negative effects are accidentally created. This is a listening exercise for commissioners: listening to people using services and partners involved in delivering them. Modelling and scenario testing are two approaches that can support further improvements to be identified in both the strategy and service specifications, for both people and services. Once the model has been fully designed and tested and the strategy updated, partners should seek approval through governance arrangements for a final specification.

4.2.4 'Buying' / procuring services

For any services that will be 'bought' (non-statutory), procurement colleagues will advise Partnerships throughout the whole cycle. Considerations will vary, depending on the focus of activity.

If considering purchasing services through competition, consult with procurement colleagues as early as possible (e.g. via NHS or Local Authority colleagues). They will support the development of a procurement strategy which will help decide the most appropriate route to market, drafting of the Invitation to Tender, lead the evaluation process and award the contract. They can also assist with management of the contract to ensure that performance standards are maintained. Options appraisals will help define the required service and whether the best service can be achieved through going to market or through grant or otherwise. The Procurement Journey offers support to developing different routes to market, depending on different factors such as the type of service or value of the contract¹²

Key points to bear in mind are to ensure that:

- ✓ the principles of transparency and fairness are adhered to, and involvement of the broadest range of potential providers supported
- ✓ ensuring services (and approaches to putting them in place) support intended outcomes

¹² See: https://www.procurementjourney.scot/procurement-journey

- ✓ early engagement with providers to ensure economic conditions (including financial stability) can be understood and transparently addressed
- ✓ long-term contracts and risk sharing are considered, including whether they would strengthen efficiency and effectiveness, if feasible and appropriate e.g. if evidence shows people have improved outcomes through provision that uses longer contracts
- ✓ consideration is given to flexibility in delivery to continue to ensure needs can be
 met
- ✓ feedback from service users, communities and providers supports a review of the
 effectiveness of commissioning processes at meeting needs and informs any
 necessary updates¹³.

The final stage in preparation of long term strategies, arrangements and specifications will be formal approval using the agreed governance routes developed at the beginning of the processes.

Ensuring all CJOIPs/Commissioning Strategies are published and disseminated will help partners to be clear about each other's strategic intentions and greater alignment and effectiveness across the system.

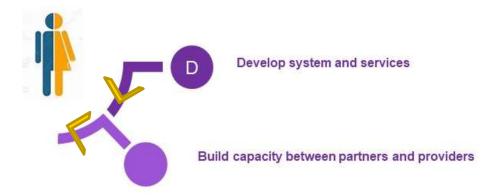
Use the box below to discuss current practice and any areas you might develop:

Check point For discussion with partners: Do we have...? Yes/No If no. where are the weak points? A clear set of findings and conclusions from activities in Analyse? A clear understanding of gaps in community justice services? People and processes in place to develop our next CJOIP in line with the checklist and guidance? A clear, detailed and evidence-informed outline of effective service design that will meet people's needs? Clearly outlined arrangements to secure the necessary approvals to finalise and implement final plans?

The next section looks at activities involved with putting Plans into place and overseeing and developing the effectiveness of service provision.

¹³ NATIONAL AUDIT OFFICE, 2010. Successful Commissioning Toolkit [online]

4.3 Deliver



Manage and develop relationships

This third stage of the cycle is about putting plans into practice. It includes set-up, learning during delivery and management of relationships throughout. The first activity involves developing processes and structures to support effective delivery. The second focusses on increasing understanding between commissioners and practitioners to build capacity, assure quality assurance and enable continuous improvement. It is important to create a learning culture across commissioners, partners and providers. This will support trust and allow partnership working to strengthen and mature.

4.3.1 Develop systems and services

New services will be set up and established in this stage (or any agreed changes to existing provision). This includes putting any agreed financial arrangements in place as well as processes for monitoring and improving how well services are achieving their intended outcomes. These arrangements will ensure:

- √ accountability
- ✓ confidence that planned outcomes are being achieved
- ✓ demonstration of the impact of investment
- ✓ clarity that quality, value for money and any contract terms are met
- ✓ learning and improvement to develop and be put in place.

Systems and supports to these arrangements need to be established if not already in place. These might include protocols for securing Partnership support to innovations in delivery, or sharing improvements and good practice across partners, for example.

4.3.2 Build capacity between partners, providers and practitioners

The purpose of this component is to increase providers' capacity to meet services' intended outcomes. It is important to develop relationships between commissioners, providers/practitioners and people. This will enable clearer understanding of how well delivery is meeting need and any problems to be quickly resolved. It also supports and strengthens a common purpose across all partners, providers, and practitioners in community justice. Collaboration is key to developing and sustaining quality in delivery and resolving any problems that occur. Capacity building activities can be organised in a number of ways, for example:

- ✓ regular sessions between Partnership members and operational staff across partners to update each other, fostering a better understanding of any challenges and jointly identify solutions
- √ sharing good practice between organisations and teams, e.g. peer challenge and support
- ✓ support to innovate in delivery, e.g. training.

4.3.3 Manage and develop relationships

It is important that good relationships are developed and maintained between commissioners and providers during delivery. This helps to ensure that both strategy and service-level outcomes are achieved.

Active monitoring is part of relationship management and key to good delivery. It also helps to inform thinking about what improvements might be necessary in future cycles of commissioning. Good management will necessarily involve considering how to work on a multi-agency basis, understanding partners' challenges (both individually and together), and enabling solutions to be developed that support strong, mature partnership working.

Monitoring involves different mechanisms for partners and providers to demonstrate how well they are achieving their aims. Arrangements should support any necessary problems, solutions or improvements to be discussed and agreed. To support this most effectively, both formal and informal mechanisms will likely be developed, and it should be a two way process.

Use the box below to discuss current practice and any areas that you might need to develop this over coming years:

Check point For discussion with partners:		
Do we have:	Yes/No	If no, where are the weak points?
Systems and structures in place for effective monitoring and delivery of services?		
Partnership commitment to developing and embedding a learning culture across strategic and operational staff?		
Effective monitoring, oversight and improvement in place?		

The next section looks at Review stage of the cycle – the final stage of the process.

Tips: See Appendix B for links to

- √ The 5-step evaluation tool (for monitoring and evaluation)
- ✓ National Audit Office principles for monitoring processes

4.4 Review



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

- How well have we done what we planned to do?
- What has the impact been?
- How can we do better?

4.4.1 Review strategy, performance and impact

Arrangements to enable formal and informal review of strategic processes and impact are already in place in community justice. Partnerships will continue to review performance themselves, in addition to reporting annually on outcome activity and through a programme of self-evaluation. Individual partners will have their own reporting and governance processes.

It is important to review the strategic commissioning process as well as the outcomes achieved as a result. Assessing both will allow improvements to be identified and put in place in future delivery.

Annual review of activities and impact should be undertaken using the content outlined in the Delivery Plan at the start of the year. This review should consider how well planned outcomes have been achieved and activities delivered in that year.

As with earlier stages in the process, consider how to get feedback about how well services are meeting needs and preferences. Perspectives should include: people using services, their families, communities and providers.

The Care Inspectorate's guide to self-evaluation¹⁴ supports community justice partners to review performance and identify any areas to develop or refocus on in future. Quality Indicators 3-6, 8 and 9 support with an assessment of performance and impact, and Indicator 7 supports developments to partnership knowledge and skills. They can be used to consider performance and impact in joint strategic commissioning. Other tools (such as stakeholder surveys) can also help.

¹¹ CARE INSPECTORATE, 2016. A guide to self-evaluation for community justice in Scotland.

We recommend that findings and conclusions developed in Review are shared with other Partnerships to spread learning.

How will effective joint strategic commissioning be measured across community justice in the long term?

It is anticipated that the Community Justice Outcomes, Performance and Improvement Framework will be updated in 2019/20, with new indicators identified and put in place for 2020. These wider strategic developments will consider ways to ensure effectiveness in joint strategic commissioning can be measured across Partnerships.

Until that time, the existing Outcomes, Performance and Improvement Framework should be used to measure achievement against relevant national outcomes.

An important part of the review process is to consider the Partnership's overall long term vision for community justice. Including this within annual reviews allow a check that it remains up to date and any necessary changes to be made. This in turn supports increased confidence within the Partnership that medium term plans to achieve the vision also remain valid.

4.4.2 Review new and existing strategic outcomes

It is also important to review strategic outcomes (national and local) to identify whether these have changed in the time since the CJOIP was developed. If they have, their implications and necessary action will be considered through a second cycle of commissioning.

The review should include current and expected changes and consider the impact on the ability of partners to deliver on local priorities. Horizon scanning activities, such as PEST analyses¹⁵, are a useful way of identifying broad changes and their implications, e.g. updates to legislation. This ensures that the content of commissioning strategies (CJOIPs) and associated actions stay valid and up to date.

Learning from both activities in Review should be used to identify learning for future delivery to support continuous improvement of both process and impact.

Discussion point:

The National Strategy for Community Justice outlines joint partner actions to improve people's housing, health, financial inclusion, employability and pathway transitions (pages 25-28).

How well have these been achieved so far? What is still to be progressed?

¹⁵ (Political, Environmental, Socio-Cultural, and Technological)

Appendices



Appendix A - Definitions and terms

Commissioning Strategy - the long term plan outlining how strategic outcomes will be met over 10-15 years (also known as Community Justice Outcome Improvement Plan or CJOIP)

Community – those part of or living in the area that partners are planning for

Community Justice – 'services that work together to support, manage and supervise people who have committed offences, from the point of arrest, through prosecution, community disposal or custody and alternatives to these, until they are reintegrated into the community. Local communities and the third sector are a vital part of this process which aims to prevent and reduce further offending and the harm that it causes, to promote desistance, social inclusion, and citizenship'. ¹⁶

Communities – a range of different groups of people inputting into or affected by planning decisions, including those with and without experience of the justice system

Decommissioning – the planned process of removing, reducing or replacing services

Delivery plan – a detailed outline of actions to achieve strategic objectives over 3-5 years

Economy (as part of value for money) – refers to minimising costs in the context of agreed quality

Efficiency – refers to the relationship between products (or outputs) and resources required to produce them

Effectiveness – refers to the relationship between strategic objectives, the level to which they are achieved and the actual impacts occurring

Equity – refers to fairness in decision making and design, including the availability of services to people who need them.

Need – (for needs assessments) refers to people's capacity to benefit from services

Purchasing and '**procurement**' – used as broad terms to refer to all processes and routes involved with 'buying' services

Service specification - a clear and detailed outline of the service you want to see delivered and what it should achieve

Strategic objectives – actions or steps necessary to achieve strategic outcomes

Timescales, we use **short term** to mean 1 year, **medium term** to mean 3-5 years and **long term** to mean 10-15 years.

¹⁶ (Community Justice (Scotland) Act, 2016: 1-2)

Types of commissioning -

- Multi-agency working is 'joint' (or 'collaborative') commissioning'
- 'Strategic commissioning' is long term (10-15 years and beyond)
- 'Joint strategic commissioning' is long term and multi-agency.

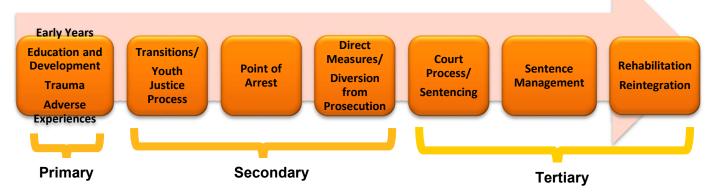
Appendix B - Further tools and guidance for Analyse, Plan, Deliver, Review

Primary, secondary and tertiary prevention in Community Justice

The intended outcomes of primary, secondary and tertiary prevention in Community Justice are:

Primary	Prevent people coming into the justice system in the first place
Secondary	Reduce the prevalence of people progressing into the justice system
Tertiary	Improve the outcomes for those in the justice system – particularly in relation to
	community-based sentences and post-custodial rehabilitation and reintegration 17

The graphic below illustrates types of prevention at different points of the justice process:



Community Benefits

Procurement colleagues will advise on employment, training or apprenticeship opportunities using Community Benefits. The Scottish Government has produced guidance on their use. See:

https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/

Data sources to assess population need

'Assessing Geographical Need for Strategic Planning' by Scottish Government (2016) provides a list of datasets for partners' use in community justice strategic planning. See: [https://www2.gov.scot/Topics/Research/by-topic/crime-and-iustice/CJRRAA/USStats/NALLTD]

Effective action to prevent and reduce re/offending and inequalities

MINISTRY OF JUSTICE, 2019. The Farmer Review for Women: The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime. See:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF

¹⁷ Community Justice Scotland, 2017. *Corporate Strategy 2017-2020* Edinburgh: Community Justice Scotland

NHS HEALTH SCOTLAND, 2017. *Community Justice*. See: http://www.healthscotland.scot/media/1530/new_inequalities-briefing-9-community-justice agust2017 english.pdf

NHS HEALTH SCOTLAND, 2017. *Reducing reoffending, reducing inequalities.* See: http://www.healthscotland.scot/media/1528/reducing-offending-reducing-inequalities aug2017 english.pdf

SCOTTISH GOVERNMENT, 2019. Reducing Reoffending: Effective and Promising Investments. See:

https://www2.gov.scot/Topics/Research/by-topic/crime-and-justice/CJRRAA/WWER/RRO2019

SCOTTISH GOVERNMENT (online) *The 'What Works' and Desistence Evidence Base* – a range of evidence reviews focussing on effective action with different population groups https://www2.gov.scot/Topics/Research/by-topic/crime-and-justice/CJRRAA/WWER

Evidence use – reflections from community planning

Learning from community planning partners. While not generalizable, partners may find reflections on using different evidence and involving different groups helpful.

BYNNER C and TERJE A, 2018. *Making Data Meaningful – evidence use in a community planning partnership in Scotland* What Works Scotland: Glasgow http://whatworksscotland.ac.uk/publications/making-data-meaningful/

Health Inequalities Impact Assessments

Aimed at strengthening the contribution of policies and plans to reducing health inequalities by improving equity of access to services, ensuring non-discriminatory practice and acting on social determinants of health – many are criminogenic needs. The approach meets and exceeds Equality Impact Assessment requirements by considering both protected and wider population groups, human rights, and the social determinants of health (such as housing, employability). It also includes guidance on different types of data, how and when to use them. **The user guide is available here:**

http://www.healthscotland.scot/media/1117/health-inequalities-impact-assessment-answers-to-frequently-asked-questions-nov14.pdf

Market Shaping

The following Toolkit offers ways for Local Authorities and Small and Medium Enterprises (SMEs) to work together to innovate in the way services are provided.

INSTITUTE FOR PUBLIC CARE, 2017. Market shaping toolkit: supporting local authority and SME care provider innovation and collaboration. See:

https://ipc.brookes.ac.uk/publications/publication 812.html

Monitoring principles

See the National Audit Office toolkit (www.nao.org.uk/successful-commissioning)

Prioritisation and Options Appraisal

Prepared to support Integrated Joint Boards, the following note outlines principles and process to robustly and transparently develop priorities in strategic commissioning.

SCOTTISH GOVERNMENT, 2016. *Advice Note - Prioritisation Process.* See: <a href="https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/09/advice-note-prioritisation-process/documents/00505886-pdf/00505886-pdf/govscot%3Adocument/00505886.pdf

Appendix C - Key Commissioning processes

Participatory Budgeting

Partners may wish to consider using Participatory budgeting as a way of involving people in decision making about local authority services, whether the wider community or those with experience of the justice system. Further information is available at: https://pbscotland.scot/what-is-pb/

Involving people with lived experience – toolkits

The approach to involving people with experience of services will vary depending on the significance of planning decisions being made and their own particular needs. The following is a selection of existing toolkits which may be useful to refer to in your own planning. Some are targeted to particular groups covered by community justice, and others have more general principles to support thinking on the design and delivery of your approach.

'Running a peer research project with offenders in the community: A handbook for staff' is an accessible guide to project considerations, research methods, analysing data, ethics and includes a range of resources for use. See:

http://www.revolving-

doors.org.uk/sites/default/files/Documents/NOMS%20Toolkit%20Peer%20Research.pdf

NHS England produced a Framework for patient and public participation in health and justice commissioning. It outlines core principles and approaches to engaging with different groups: https://www.england.nhs.uk/wp-content/uploads/2017/01/hlth-justice-frmwrk.pdf

The National Offender Management Service (NOMS) toolkit is for commissioners involving people using probation services. It includes a range of methods, resources and templates. http://www.revolving-

doors.org.uk/sites/default/files/Documents/NOMS%20Toolkit%20Service%20User%20Involvement%20with%20Offenders%20in%20the%20Community.pdf

NHS England summary guide to proportionate public engagement in commissioning, outlines levels and timescales for engagement depending on the significance of decision making. See: https://www.england.nhs.uk/wp-content/uploads/2017/01/specialised-participation-frmwrk.pdf

Trauma informed practice

NHS Education for Scotland developed a Trauma Training Framework for professionals working with people with experience of trauma: https://www.nes.scot.nhs.uk/education-and-training/by-discipline/psychology/multiprofessional-psychology/national-trauma-training-framework.aspx

Animations:

- Opening Doors (Trauma Informed Practice for the workforce): https://vimeo.com/274703693
- Sowing Seeds (if working with children and young people): https://vimeo.com/334642616
- Shumela Ahmed, discussing the impact of practice and examples: https://vimeo.com/341311003

Appendix D – Commissioning knowledge and skills

Free e-training modules

Developed for Health and Social Care, outlining transferrable principles and practice. A set of six free, open access e-tutorials.

Register a new account to access materials via: http://learningzone.workforcesolutions.sssc.uk.com/mod/page/view.php?id=560

Reviewing existing commissioning competencies and skills

To support Health and Social Care Integration in Scotland, a detailed Learning and Development Framework was commissioned by Scottish Government and endorsed by NHS Scotland and COSLA in 2012. It is intended for those wishing to develop their skills in joint commissioning (and others) and can be used to review existing skills and develop onward improvement plans. The Joint Strategic Commissioning Learning Development Framework is available

here:

https://ipc.brookes.ac.uk/publications/pdf/Learning Development Framework.pdf

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