

Thames Valley Police and Crime Panel 25 September 2015

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Thames Valley Police and Crime Commissioner

Victims Services Commissioning Intentions

April 2014

1.0 Purpose

To outline the commissioning intentions, both interim and longer term, of the Thames Valley Police and Crime Commissioner (PCC) regarding funding for victims services through the Victim's Grants awarded to the PCC by the Ministry of Justice (MoJ) in 2013/14 and beyond.

2.0 Background

The Government consultation, '*Getting it Right for Victims and Witnesses*', concluded that victims should experience high quality support tailored according to need and that this would be best achieved through a mixed economy of local and national commissioning. Within this new landscape for victims' services commissioning, the MoJ will remain responsible for providing some services at a national level, while PCCs will become responsible for commissioning the majority of emotional and practical support services for victims of crime in their local areas from October 2014.¹

3.0 The Purpose of the Victims' Funding

In December 2013, the MoJ began issuing grants to PCCs under the Domestic Violence, Crime and Victims Act 2004 to support the development of local commissioning of victims services, including Restorative Justice (RJ). The initial tranche of funding received in December 2013 (henceforth, referred to as **the 2013/14 Victim's Funding**) will be followed by further funding in 2014 (**the 2014/15 Victim's Funding**).

It is important to note that both the Victim's Commissioning Framework² and the conditions of funding highlighted the need for PCCs to adhere to Public Contracts Regulations in the commissioning of victims services.

¹ The Ministry of Justice (MoJ) will continue to commission a witness service, a homicide service, support for victims of human trafficking, support for victims of rape through rape support centres, some national telephone help-lines for victims, and some locally-based services through competitive grant funding arrangements, for example, to support male victims of rape and serious sexual assault.

² Guidance provided to support PCCs commissioning activity in relation to the victims funding in May 2013.

3.1 The 2013/14 Victims Funding

The conditions of funding expressed to PCCs by the MoJ in relation to the 2013/14 Victims Funding are to:-

- Build Restorative Justice (RJ) capacity in the PCC area and, where capacity is sufficient, fund RJ activity (see Appendix A for more detail on PCCs' responsibility with regards to RJ).
- Build the capacity and capability of wider Voluntary, Community and Social Enterprise (VCSE) support providers in advance of local commissioning (see Appendix B for further definition of 'capacity and capability'), and
- Prepare the Office of the PCC for local commissioning.

3.2 The 2014/15 Victims Funding

The terms of the 2014/15 Victims Funding to PCCs state that:-

'Having identified outstanding service requirements to meet victims' needs the Recipient must provide or commission services with this 2014/15 Victims' Services Grant which, when taken together with relevant existing provision, will satisfy the requirements of the Victims' Directive'.

The Victims' Directive (2012/29) of the European Parliament establishes minimum standards on the rights, support and protection of victims of crime. For further information on the PCC's responsibilities for implementing the EU Victim's Directive, see Appendix C.

Correspondingly, conditions of the 2014/15 Victims Funding require the PCC to provide or commission:-

- services for victims of crime and particularly victims in the priority categories³ outlined in the Victims' Code⁴ to help them cope with the immediate impacts of crime and, as far as possible, recover from the harm they have experienced,
- services for victims of sexual and/or domestic violence,
- support services for family members,⁵ and

³ Priority categories outlined in the Victim's Code 2013 include (i) victims of the most serious crime, (ii) persistently targeted victims, and (iii) vulnerable and intimidated victims. Appendix D contains a definition of each of these categories.

⁴ The Code of Practice for Victims of Crime, commonly referred to as the Victim's Code, was released by the MoJ in October 2013. Its purpose is to implement relevant provisions of the EU Victim's Directive, including setting out the services to be provided to victims of criminal conduct by criminal justice organisations in England and Wales.

⁵ As defined in Article 2 (b) of the Victims' Directive.

- any associated costs that arise in the process of commissioning/provision of victims' services.

4.0 The Thames Valley PCC's Commissioning Principles

In order to take account of the requirements of the EU Victim's Directive, The Victim's Code, the different grant conditions attached to each grant, the Victims Commissioning Framework, and the timescales required for commissioning services, the PCC has agreed to six broad Commissioning Principles which are outlined below:-

- The PCC will work towards introducing fully commissioned services by April 2015, informed through the 'cycle of commissioning' advocated by the MoJ Framework which includes the four-stage process (i) Understand (ii) Plan (iii) Do, and (iv) Review.⁶
- Using a range of methodologies, the PCC will seek to comprehensively understand the needs of victims in Thames Valley.⁷
- The commissioning approach will be consultative to ensure the views of potential provider organisations, particularly those from the third sector, help to inform the PCC's priorities well in advance of the commissioning process.⁸
- Prior to commissioning, the PCC will commit to investing in the capability of the provider base, particularly those working with victims of the most serious crime, those persistently targeted or vulnerable and intimidated victims.⁹
- The PCC will carry out outcome-focussed commissioning, providing services to achieve two high level outcomes
 - to help victims **cope** with the initial impact of crime, and
 - to subsequently **recover** from the harm experienced.

⁶ During the interim stage, prior to awarding contracts, competitive grant funding will support the development and alignment of local service delivery (discussed further under section 5.2).

⁷ The PCCs of Thames Valley, Surrey, Sussex, Kent and Hampshire have jointly commissioned Portsmouth University to conduct a victim's needs assessment. In addition, the PCC commissioned a range of focus groups with both adult and child victims of crime to inform the PCC's commissioning priorities.

⁸ The PCC has sponsored several VSCE sector engagement events to consult with potential providers and key stakeholders. Further events are planned during 2014. Community Safety Partners have also been engaged in a series of meetings and workshops to explore co-commissioning opportunities.

⁹ The PCC has commissioned Citadel Policy and Communications Ltd. to undertake marketplace engagement, including consortia-building, to ensure potential providers are well-informed and commission-ready during and leading up to the move to commissioned services in 2015.

- Good governance arrangements will be established to ensure the commissioning process and funding decisions are accountable, transparent and well-informed.¹⁰

5.0 The Thames Valley PCC's Commissioning Process

5.1 Commissioning the 'non-specialist' victims service

PCC commissioning of an overarching victim referral mechanism and onward support (replacing the existing national, MoJ funded service provided by Victim Support) is required under the EU Directive and the MoJ conditions of funding for 2015/16. This service will be co-commissioned with two other PCCs in the SE Region (Surrey and Sussex) and the contract specification will take into account advice issued by the MoJ and the National Victims Commissioning Reference Group (made up of a small number of PCCs from across England and Wales). Appendix E has more details of progress on the regional collaboration to commission the 'non-specialist' service for Victims across Surrey, Sussex and Thames Valley.

5.2 Commissioning the 'specialist' services (including RJ services)

Local commissioning of specialist services for victims in the Thames Valley by the PCC, including RJ services, will involve a 3 step process taking place over the next 12 months:-

- (1) First Phase Victims and RJ Grants competition (May 2014),
- (2) Second Phase Victims and RJ Grants competition (Sept 2014), and
- (3) Contract tendering for commissioned services (Oct 2014 to Mar 2015)

The first phase grant competition opens in early May 2014, and closes 16:00 hrs on 30th May 2014. The application process for first phase victims and RJ grants are available from the website for the Thames Valley Police and Crime Commissioner.¹¹

Details of the second phase grants application process will be advertised later in 2014. However, it is anticipated that the criteria for the second round of grant funding will closely reflect the emerging priorities of the PCC, highlighted through the Victims Needs Assessment and other consultation activity undertaken by the PCC. The services funded through the second phase of grant funding will be expected to develop and align delivery in preparation for bidding and delivering commissioned services from April 2015.

¹⁰ The Local Criminal Justice Board (LCJB) Victims & Witnesses Delivery Group has been engaged as a PCC commissioning reference group.

¹¹ See www.thamesvalley-pcc.gov.uk or contact the Office of the PCC, The Farmhouse, Force Headquarters, Oxford Road, Kidlington, Oxon OX5 2NX (Tel: 01865 846780)

All grant funding MUST be regarded as one-off funding without any guarantee that further funding will be available, or that the services awarded 'first phase' grant funding will also receive 'second phase' grants later in 2014 or be formally commissioned by the PCC in 2015. Applicants should therefore consider the sustainability of services beyond the grant funding phase.

A small number of service funding decisions have been made in 2013/14, in advance of the competitive grant process, but only in extenuating circumstances to sustain existing services that might otherwise have come to an end, or to bridge a gap in commissioning. The criteria the PCC adopted to guide those decisions were :-

- the service must give benefit to victims of crime across Thames Valley,¹²
- funding was required to sustain existing services, not to increase provision or develop new services,
- the funding required was below the EU threshold for tendering, and
- funding was provided on a short-term, non-recurrent basis only.

5.3 Total Funding Available

2013/14 Victims Grant - £844,092 (of which approx £600k is available for the first phase grants for victim's services and RJ).

2014/15 Victims Grant - £793,365 (this excludes the funding top sliced by MoJ to extend grant funding for the organisation 'Victim Support' until SE PCCs re-commission the 'non-specialist' service from April 2015).

2015/16 Victims Grant - £2,467,000 (to cover full costs of the regional 'referral mechanism', local 'non-specialist' support, victim-centred/pre-sentence RJ services, and local specialist services).

¹² The purpose of this was that the PCC wanted to discourage reduction of funding from other local sources (eg Local Authority funding), or to disadvantage areas that continued to invest in local services for victims.

APPENDIX A

THE PCC'S RESPONSIBILITIES – RESTORATIVE JUSTICE (RJ)

In November 2013, Damian Green announced that funding would be allocated to PCCs to commission victim-initiated RJ and pre-sentence RJ services. Subsequently, the vision communicated to PCCs on RJ involves the following:-

- A victim will be able to request RJ via their PCC and it will be for the PCC to decide whether this should take place and who to commission to deliver it. The Restorative Justice Council can advise on quality and standards.
- If the PCC decides that a RJ process is appropriate, they must also seek consent of the offender.
- If the offender is being managed in the community, the PCC will need to liaise with the NPS or CRC depending on who is managing the offender.
- If the offender is in custody, the PCC will need to liaise with the Prison.
- A victim may also request RJ as part of an out-of-court disposal. If the police consider it appropriate they will deliver RJ within existing arrangements.
- Where the court defers passing sentence to allow for a RJ process to take place, the NPS will manage the offender, but PCCs will commission the RJ provision.
- MoJs preferred RJ process is Victim-Offender Conference (VOC) but PCCs are able to commission any type of RJ activity and are not limited to VOC.
- Where a court imposes a rehabilitation activity requirement (RAR), or an offender is managed in the community by the National Probation Service (NPS), or a court imposes a custodial sentence on an offender, on release from custody, either the National Offender Management Service (NOMS), the Community Rehabilitation Company (CRC) or the NPS can choose to deliver victim-offender conferencing under these requirements.
- The MoJ advice does not change systems which have been in place for some time for delivery of RJ in the youth justice system. However, where skills or resources do not exist, Youth Offending Teams (YOTs) may agree with PCCs the circumstances in which PCCs will deliver RJ activities where the offender is under 18.

More specifically, the Conditions of the 2014/15 Grant state that the:-

Grant may be spent on capacity and capability building for restorative justice services. If capacity and capability are sufficient in relation to these services and the Grant is used for commissioning victim-initiated and pre-sentence restorative justice services, the Recipient must ensure that:

- (i) *account is taken of guidance issued by the Restorative Justice Council and, where necessary, the Council's advice is sought, to ensure the development of safe and competent restorative justice services (in accordance with Article 12 of the Victims' Directive); and*

- (ii) *potential and actual providers can demonstrate that victims who choose to participate in restorative justice processes will have access to safe and competent restorative justice services (in accordance with Article 12 of the Directive).*

APPENDIX B

BUILDING ‘CAPACITY AND CAPABILITY’ – A DEFINITION

MoJ have provided the following definition:-

Capability	Capacity
<ul style="list-style-type: none"> - supporting the sector to effectively build its skills to successfully bid for funding to provide victims’ support services: - help sector understand better the new commissioning landscape - training on procurement and commercial principles - building relationships with PCCs to understand commissioning plans/requirements - working together as consortia (where organisations group together to deliver a service) - manage the commissioning transition period - measuring and demonstrating outcomes. 	<ul style="list-style-type: none"> - helping sector develop own internal capacity to better fulfil their core functions, and achieve their own mission through: - building/strengthening own leadership - achieving better coherence between mission, structure and activities - better communication processes - improved contribution to wider Voluntary, Community and Social Enterprise (VCSE) sector and outcomes/impact sector can make.

APPENDIX C

THE PCC'S RESPONSIBILITIES – IMPLEMENTING THE EU VICTIMS DIRECTIVE

The UK along with 26 other Member States of the European Union will be bound by the obligations of the EU Directive which comes into force from October 2015. The aim of the EU Directive is to ensure that all victims of crime anywhere within the EU receive a minimum standard of support and protection. The 2014/15 Grant Conditions mirror the EU Directive (and in particular Articles 8 and 9 of that Directive), including the requirements that support services for victims, and in some cases their families, are:-

- free of charge,
- confidential,
- non-discriminatory (including being available to all regardless of residence status, nationality or citizenship),
- available whether or not a crime has been reported to the police, and
- available before, during and for an appropriate time after any investigation or criminal proceedings.

The EU Directive also states that services provided or commissioned in accordance with condition 3 must include a referral service:

- (i) with which contact can be made by referring organisations or victims (and family members);
- (ii) through which the needs of victims (and family members) can be assessed;
- (iii) by which victims (and family members) can be provided with relevant information and/or referred to suitable victim support services, in accordance with their needs; and
- (iv) by which victims who report crime in a PCC area but who reside in a different PCC area can have their personal data transferred to the support arrangements in place in their area of residence.
- (v) that complies with the Data Protection Act 1998.

APPENDIX D

DEFINITION OF PRIORITY VICTIMS AS DEFINED IN THE VICTIMS' CODE

Victims of the most serious crime

You are eligible for enhanced entitlements under this Code as a victim of the most serious crime if you are a close relative bereaved by criminal conduct; a victim of domestic violence, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent. Additional enhanced entitlements that are available for bereaved close relatives are identified separately at various stages of this Code.

Persistently targeted victims

You are eligible for enhanced entitlements under this Code as a persistently targeted victim if you have been targeted repeatedly as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or you are a victim of a sustained campaign of harassment or stalking.

Vulnerable or intimidated victims

You are eligible for enhanced entitlements under this Code as a **vulnerable victim**¹³ if: (a) you are under 18 years of age at the time of the offence, or (b) the quality of your evidence is likely to be affected because: i) you suffer from mental disorder within the meaning of the Mental Health Act 1983; ii) you otherwise have a significant impairment of intelligence and social functioning; or iii) you have a physical disability or are suffering from a physical disorder.

You are eligible for enhanced entitlements under this Code as an **intimidated victim** if the service provider considers that the quality of your evidence will be affected because of your fear or distress about testifying in court.

¹³ This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 for the court to determine eligibility for Special Measures.

APPENDIX E

REGIONAL ARRANGEMENTS FOR COMMISSIONING A REFERRAL MECHANISM AND ONWARD SUPPORT (THE 'NON-SPECIALIST' SERVICE)

The MoJ currently provides an annual grant to Victim Support, worth around £38m for three broad services:-

- referral arrangements and associated support services,
- a court-based witness service, and
- a homicide service.

Changes to the commissioning landscape for victim's services mean that a mixed-model of local and national commissioning will be developed in future, involving local commissioning by PCCs of referral arrangements and associated support services while the MoJ will re-tender and commission at a national level both the witness and homicide services.

The EU Victims Directive states that services provided or commissioned in accordance with condition 3 must include a referral service:

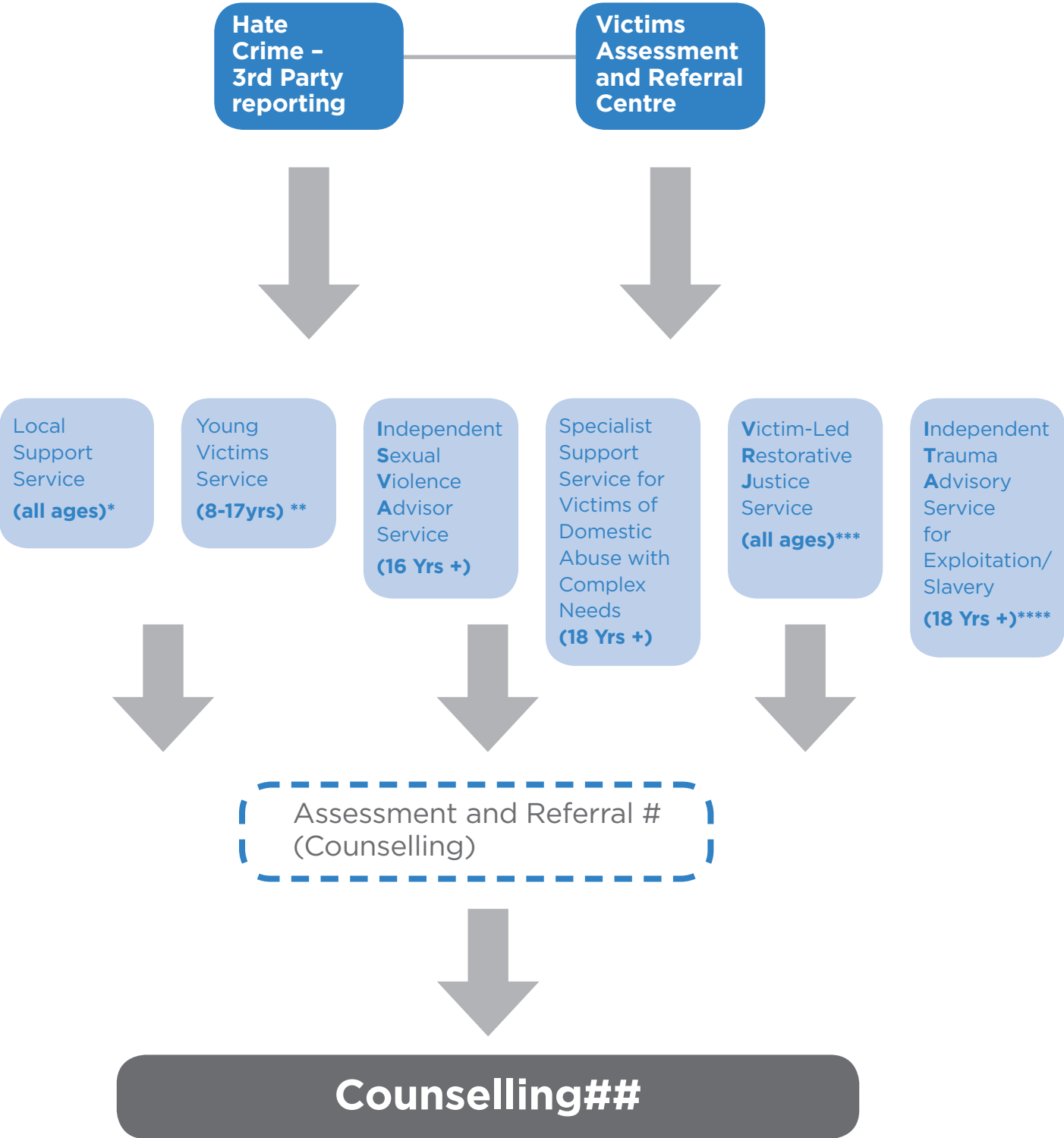
- (i) with which contact can be made by referring organisations or victims (and family members);
- (ii) through which the needs of victims (and family members) can be assessed;
- (iii) by which victims (and family members) can be provided with relevant information and/or referred to suitable victim support services, in accordance with their needs; and
- (iv) by which victims who report crime in a PCC area but who reside in a different PCC area can have their personal data transferred to the support arrangements in place in their area of residence.
- (v) that complies with the Data Protection Act 1998.

Guidance to PCCs issued by the MoJ in mid-2013 encouraged early consideration of local arrangements for commissioning referral arrangements, specifically whether to do so separately or to form commissioning partnerships with neighbouring PCCs. A small number of 'early-adopter' sites expect to go live by October 2014 with local referral, while other PCCs have chosen to remain within the MoJ contract with Victim Support until April 2015, to allow more work to take place on local needs and commissioning mechanisms and arrangements.

As a result of local discussions, **a South-East consortium consisting of the PCCs for Thames Valley, Surrey and Sussex Police areas, have opted to co-commission the Non-Specialist Victims Service (including the referral mechanism) in time for 1st April 2015.**

PCC COMMISSIONED SUPPORT SERVICES - VICTIMS OF CRIME

Referral & Reporting
Coping
Recovery



* For those under 18 years, support provided through adults with parental responsibility.
 **Priority support for young victims of sexual or domestic abuse. Includes family support.
 *** May include young victims that are not supported via Youth Offending Teams.
 **** Pilot areas include Reading and Oxfordshire only.
 #A 'counselling hub' providing referral arrangements, funding for counselling, funding for counselling training, and funding to reduce barriers will be trialled for 12 months to improve access to appropriate psychotherapeutic counselling for victims of crime.
 ## Refers to spot purchase of existing counselling provision, including those acquiring appropriate accreditation through OPCC funded, or other funded, training and meeting the criteria of a framework of preferred providers.

