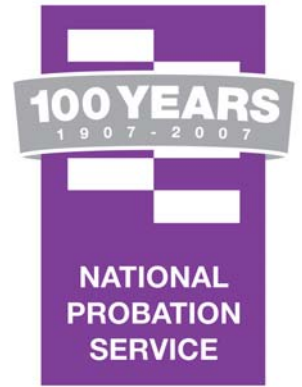


Probation Circular



PC10/2008 - APRIL 2007/08 SUB-CONTRACTING RETURN

IMPLEMENTATION DATE: 16 May 2008

EXPIRY DATE: July 2008

TO: Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards

CC: Board Treasurers, Improvement and Development Managers, Regional Offender Managers

AUTHORISED BY: Roger Hill, Director of Probation

ATTACHED: Annex A - Notes on Sub-Contracting

Annex B – Area Sub-Contracting Reporting Template

Annex C - Equality Impact Assessment Form

RELEVANT PREVIOUS PROBATION CIRCULARS

PC15/07; PC33/06; PC07/06

CONTACT FOR ENQUIRIES

Paul Ibrahim, NOMS Performance Management Unit – 020 7035 3165

PURPOSE

A one off request for the submission of the *final* annual sub-contracting return required under PC07/2006; and to request that Areas notify NOMS Commercial and Competitions Unit of contracts to be let.

ACTION

Area Board Treasurers to complete the final attached return (Annex B) – reporting the value of sub-contracts and grants in 2007/08 – to the NOMS Performance Management Unit (NPD.DATA@homeoffice.gsi.gov.uk) by **13th June 2008**. And Area Board Treasurers to notify NOMS CCU when they are putting a contract out to tender, or consulting with providers on doing so, in order that providers registered with the National Provider Network can be alerted.

SUMMARY

Public Value Partnerships set Boards the target of sub-contracting 5% of the value of services to the Private and Third Sector in 2006-07 and 10% in 2007-08. Boards have been advised to use this target to develop the skills and relationships necessary to being Lead Providers as described in PC33/07.

ISSUE DATE – 16 May 2008

Notes on Sub-Contracting

Introduction

1. The position on sub-contracting has evolved since PC15/07 was issued. The 5% target in place for 2006-07 was scheduled to increase to 10% in 2007-08. This is the final data collection for this target which has now come to an end.
2. In the intervening period the Offender Management Act received Royal Assent. During the third reading of that Act, the then Home Secretary made a commitment to abolish the target and instead introduce a Best Value regime. As a result, the Best Value approach will put in place outcome-neutral processes to deliver efficient, effective services.
3. In the light of this commitment, Paul Ibrahim, Head of NOMS Performance Management Unit, issued a letter clarifying how data for 2007/08 would be used. The letter, sent to Probation Chiefs, Chairs and Treasurers on 18 December 2007, made clear that NOMS would continue to collect sub-contracting data for 2007/08, but that these data would not be used in the Integrated Probation Performance Framework – they would not be used to form Probation Areas' annual grading.
4. This request for information will fulfill NOMS commitment to collect and report upon the level of sub-contracting for the period 2006 – 2008, as set out in Public Value Partnerships.
5. NOMS will design an approach to capturing the data required to the new Best Value process during the consultation period. Any new data collection approach is likely to be similar in nature to the current approach, although it may need to be more detailed and use more rigorous counting rules in order to support robust decisions regarding Best Value.

Templates

6. Please complete the attached return. The Excel sheet is for reporting achievement in 2007-08. Please send the completed templates to NPD.DATA@homeoffice.gsi.gov.uk by 13th June.
7. In the past we required area returns to be agreed by the ROM/DOM before submission. As this is the final return we will not require the agreement of the ROM/DOM to the content of the submission, but do suggest that returns are copied to the relevant ROM/DOM for information purposes.

Measurement

8. This is the last return for the collection of sub-contracting data and, in order to maintain consistency across the entire period, the measurement rules remain unchanged. These unchanged measurement rules are detailed in the completion notes to the templates.

Transparency

9. The 2007-08 returns will be shared with all Areas and ROMs to support the spreading of best practice, and in advance of the new Best Value process. As such Areas are encouraged to include whatever information in the Description of Service box they believe may be helpful to other Areas. This version of the returns for sharing will not contain any financial data to avoid concerns about commercial sensitivity.

Union Consultation

10. Areas are reminded to consult with their unions at the earliest appropriate opportunity about their sub-contracting plans. Experience from Areas has shown that a partnership approach has improved the experience for all parties and avoided unnecessary conflict.

Notifying NOMS National Provider Network of Contracts

11. Areas are asked to notify the National Provider Network when they are going to let a contract or going to consult the market about doing so. This will ensure that the very many subscribers to the National Provider Network are alerted and so improve the Area's prospects of securing strong bids.
12. Such notifications should be sent to (NPNinfo@homeoffice.gsi.gov.uk) as a Word document five days before the date to be circulated to NPN subscribers.

Area Sub-Contracting Reporting Template Completion Notes

Please read these notes before completing the template

Introduction

In Public Value Partnerships, published in August 2006, Ministers set Boards the target of sub-contracting 10% in 20

This is the final information return in support of that approach, and information will be used to report to Ministers, and returns are being collected by the NOMS Performance Management Unit. The information you submit in this return will be used for the 2007/08.

Areas were advised in PC33/06 to use the sub-contracting target as an opportunity to build their skills and experience. Value for money can be secured.

The Templates

The Excel sheet "2007-08 Actual" is to report the level of sub-contracting actually achieved in 2007-08.

In the template please include contracts which the public sector has won in open-competition. Although these do not, the public sector will be interested to know in how many instances the public sector has won contracts ahead of the private and third sectors.

Please ensure that it is made clear in the Description of Service box whether the service is specifically for groups defined in the template.

Measurement Rules

Measurement is on the basis that:

It is a percentage of the Area Main Grant.

To be counted, services must be:

- Offender-facing services delivered by the third or private sector (i.e. not the public sector or back-office services); and
- be within the control of the Area

Therefore, included are: Victim Contact, Court Work, Offender Management; Accredited Programmes, Unpaid Work,

And excluded are services where the funding is controlled by other organisations: OLASS (Education and Training in Prisons Authorities (Supporting People), and centrally provided (sub-contracted Approved Premises)

It should be noted that:

- Both grants and sub-contracts count;
- Services count where they are funded by the Board but are not part of the Area Main Grant, e.g. other funding which is not part of the Area Main Grant;
- Secondments to private or voluntary organisations delivering eligible services count to the extent the Board is not responsible for the funding.

Template Submission

Please submit the template electronically to **NPD.DATA@homeoffice.gsi.gov.uk** by **13th June 2008**, and copy in hard copy to the same address.

If you have any queries about this template, please contact Natasha Garnham (020 7035 8732).

icting 10% in 2007-08, building on the 5% target in 2006-07

o Ministers, and to support the spreading of best practice. These
it in this return **will not** be used as part of the IPPF assessment for

s and experience as lead providers, sub-contracting where greater

8.

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ivate and third sectors

y for groups defined by BME, gender or disability

fice services); and

s, Unpaid Work, and other services to offenders and victims.

and Training in England), DATs (drug services in England), Local

ier funding which has been won

e Board is not reimbursec

3, and copy in the relevant ROM/DOM



Area Sub-Contracting Reporting Template: Value of Contracts and

Date Completed
Area
Partnership Manager
Phone
E-Mail

Area Main Grant **2007-08**

Name of Provider Organisation

Provider's E-Mail Address

Sector: Private,
Third, or Public

Grants in 2007-08

Contract or Grant	Start Date	End Date	Value (£)	Value in 07-08 (£)
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Description of Service (including volumes and details of target group)





Ministry of
JUSTICE

Annex C

Equality Impact Assessment

Preliminary Screening

Statistics & Research

Gathering Evidence through Community Engagement

Assessment & Analysis

Action Plan

The EIA Report



EQUALITY IMPACT ASSESSMENT
Performance Management Unit
Finance & Performance
NOMS

PRELIMINARY SCREENING

Date of Screening	16 May 2008
Name of Policy Writer	Natasha Garnham
Director General	Roger Hill

PC10/2008 – April 2007/08 Sub-Contracting Return	
	This is an existing policy

Policy Aims, Objectives & Projected Outcomes

A request for the submission of the *final* annual sub-contracting return required under PC07/2006. The request will fulfil NOMS commitment to collect and report upon the level of subcontracting for 2006-2008 as set out in Public Value Partnerships.

Will the policy have an impact on national or local people/staff?	NO
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy	NO
Are there any aspects of the policy that could contribute to equality or inequality?	NO
Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	NO
If this is an amendment of an existing policy, was the original policy impact assessed?	NO- not existing

If your answer to any of these questions is **YES**, go on to the full EIA.

If you have answered **NO to any particular questions**, please provide explanatory evidence.

If you have answered **NO to all of these questions** then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

“This policy was screened for impact on equalities on [16th May 2008]. The following evidence [previous circulars, experience of the same process in previous years and given the accepted principles behind the policy i.e. those set out in Public Value Partnerships] has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “

FULL IMPACT ASSESSMENT

STATISTICS & RESEARCH

What relevant quantitative & qualitative data do you have in relation to this policy?

Please site any quantitative (e.g. statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy area.

Equality Target Areas	How does the data identify potential or known positive impacts? How does the data identify any potential or known adverse impacts?
Race (consider e.g. nationalities, Gypsies, Travellers, languages)	
Disability (consider social access and physical access)	
Gender	
Gender Identity	
Religion and Belief	
Sexual Orientation	
Age	

<p>What research have you considered commissioning to fill any data gaps?</p> <p>For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy. N.B Include any recommendations in your action plan</p>

<p>Who are the stakeholders, community groups, staff or customers for this policy area?</p>

<p>What are the overall trends and patterns in this qualitative & quantitative data?</p> <p>Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.</p>

<p>Please list the specific equality issues that may need to be addressed through consultation (and further research)?</p>
<ul style="list-style-type: none">•

GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

INTERNAL STAKEHOLDER ENGAGEMENT: Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

Does this policy affect the experiences of staff? How? What are their concerns?	
Staff	
Staff Networks & Associations	
Trade Unions	

How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other public policies and services?

For example your policy may affect access to housing, education, health, employment services.

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What positive and adverse impacts were identified by your internal consultees? Did they provide any examples?

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Feedback the results of this internal consultation and use it as a basis for work on external consultation

EXTERNAL CONSULTATION & INVOLVEMENT

How did your engagement exercise highlight positive and negative impacts on different communities?	
Voluntary Organisations	
Race	
Faith	
Disability Rights	
Gender	
Gender Identity	
Sexual Orientation	
Age	

Feedback the results of your community engagement (i.e. involvement and consultation) to all participants including internal and external stakeholders

ASSESSMENT & ANALYSIS

Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.

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What were the main findings of the engagement exercise and what weight should they carry?

--

Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?

--

How does the policy promote equality of opportunity?

--

How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?

--

How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?

--

Are there any concerns from data gathering, consultation and analysis that have not been taken on board?

Please justify and explain the reason for your decision.

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ENSURING ACCESS TO INFORMATION

How can you ensure that information used for this EIA is readily available in the future?

(N.B. You will need to include this in your action plan)

-

How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?

(N.B. You will need to include this in your action plan)

-

How will you monitor this policy to ensure that the policy delivers the equality commitments required?

(N.B. You will need to include this in your action plan)

-

Now submit your EIA and related evidence to the Equality & Diversity Unit for quality assurance and clearance.

ACTION PLAN

Recommendations	Responsibility	Actions required	Success Indicators	Target Date	What progress has been made?
Data Collection					
Publication Arrangements					
Monitoring & Review Arrangements					
List other recommendations that are required					

Please ensure that the action plan is agreed by your Director/ Minister

THE EQUALITY IMPACT ASSESSMENT REPORT

The EIA report is a concise summary of the results of your EIA work. You should ensure that you cover the topics described below.

Background:

- Context of policy/programme
- Link to strategic aims and objectives
- Scope of the EIA work (e.g. if linked to previous EIA or work delivered by another Government Department)

Methodology:

- Approach to data collection and analysis
- Results of consideration of existing evidence

Consultation & Involvement:

- Stakeholder/community involvement in developing proposals
- List of organisations engaged (optional)

Assessment & analysis

- Key Findings from the data collection and community engagement
 - Positive impacts: existing or potential
 - Adverse impacts: existing or potential

Recommendations

- Describe how you will respond to the key findings by:
 - strengthening the potential for positive impact,
 - removing areas that may exacerbate or engender adverse impact
 - including measures to mitigate any adverse impact that may occur
 - including measures that ensure ongoing compliance with statutory obligations
 - monitoring arrangements
 - ensuring continued public access to information about the policy/programme.
 - action plan (optional)

Date of EIA Report

Date of Publication of Results

Ensure that the EIA Report is published on the NOMS/ MoJ website before your policy/programme is implemented.