**NOMS Co-Financing Organisation –Consultation responses**

**Q1 Delivery Model**

*NOMS CFO provision is targeted towards those offenders who currently are the least likely and/or least able to engage with mainstream provision. With this in mind, please provide any suggestions for improvements or amendments to the proposed delivery model.*

**Response:**

Consultation feedback welcomed the opportunity to continue employability support for hard to reach offenders and supported the broader social inclusion approach working in both custody and community with the additional focus on wider areas such as development, families, health etc. There was also positive feedback on the pathway model focussing on progression as well as employment outcomes and the supplementary support provided by the Discretionary Access Fund (DAF).

Regarding need for a greater focus on softer skills and outcomes, CFO 3 will have a new emphasis on supportive measures and signposting to other agencies or programmes to achieve employment with a reduced target focus on hard outcomes to recognise the significance of progression. The focus on progression and the inclusion of the hard to reach sub groups is intended to drive additional support for difficult to work with clients and increase the requirement for specialist provision –either by target group or delivery type. The overall focus of the programme will be to increase offender access to mainstream provision. The focus is not about getting everyone into work – although there is a requirement from ESF to secure a number of hard outcomes.

NOMS CFO recognises that the core activities outlined in the participant pathway are essential to progression but they do not attract a payment. The proposed funding mix does reward for placing participants into jobs and does also recognise the preparatory stages such as achievements for example. Other suggested amendments regarding the payment pathway have been considered for the initial tender documentation.

Support for participants with learning disabilities is welcomed although it must add value to existing services and cannot replace core functions such as the introduction of the Hidden Disabilities screening by the OLASS provider in custody anticipated later in the year. Using the ringfenced Development Fund to enhance engagement with mainstream learning and skills provision may be an option to consider.

A particular contentious issue in the delivery model is the proposed custody/community split with a greater proportion of commencements anticipated in custody. It was felt that the focus on custody would no doubt lead to gaps in provision for offenders in the community with little evidence to suggest that TR providers (or other universal community provision such as NCS) will be able to meet the needs of offenders furthest away from the labour market. A number of comments questioned the predominance of custodial starts when evidence from existing CFO activity demonstrates a greater rate of employment success in the community than in custody and thus the next round should seek to replicate that approach which presents far greater opportunities to address barriers in the community.

NOMS CFO must add value to other services, it cannot meet the need of the entire ETE requirement for any region and should not be relied upon in this way. The increase in prison based starts will mean that offenders can be engaged with at an earlier point and continue through the gate. It would not be possible for NOMS CFO to address the needs of every offender on a community order, even if ESF monies could be utilised in this way. The reduction in hard targets is a result of the shift to the social inclusion priority. Target reduction cannot be equated with the reduced budget, rather it is the shift in focus which has led to this position.

The proposed model will allow CFO providers to prepare participants so that they get the most from existing provision, including TR and Work Programme, as well as other initiatives. Starting participants in custody will not preclude providers from delivering services in the community, particularly for those going through the gate. With both WP and TR specifically delivering to offenders in the community, NOMS CFO is not able to continue starting such a high percentage of participants as with the current round.The CFO cannot maintain support for participants in work long-term. This falls under the auspices of other agencies.

Risk of duplication was also considered a concern –particularly around the case management model. The case management approach does not advocate duplication of services – the expectation is that providers must work together to deliver individual services to reach common goals. For example - where TR providers are securing accommodation, CFO providers will not deliver the same, but may work within the region (particularly with housing providers and Local Authorities) to increase access for offenders to find suitable accommodation.

With regard to data sharing and IT systems e.g. CATS and Delius/OASys, providers will be expected to utilise other assessments such as the Basic Custody Screening Tool when carrying out delivery. Data transfer is not always available or useful (depending on how old information is) and providers will perform a CATS assessment to ensure ESF requirements are covered and that the information is up to date. Everything should be cross referenced where possible.

In terms of delivery approach, in-reach is not regarded as the preferred approach to delivering custodial services. Experience shows that establishing a firm custodial base is more likely to ensure that providers can deliver services more effectively. This is not to say that in-reach cannot work, but it should not be the only approach.

The focus on women-only remands was raised given that the conversion from remand to sentenced is very high. From the CFO’s perspective, the choice of women-only remand participants is due to the overall number of women in custody being lower than the target from ESF. Remands can be difficult to work with as churn is very high. There are more than sufficient numbers of male offenders to achieve the required target.

**Q2 Hard to help groups**

*With reference to specific regions, detail hard-to-help group(s) (full list provided within Appendix M of specification) for which provision is most appropriately targeted towards. Please include rationale for the same along with suggestions for appropriate support mechanisms, referral routes and suggested annual throughput [note: suggested target is 50-100 per group per region for entire contract term].*

**Response:** Feedback welcomed the inclusion in the model of hard to reach sub groups within each ECA with several suggestions as to where priorities should lie (e.g. sex offenders, gangs) based on both local knowledge and experience of working with some of these groups to date. Linking the hard to reach groups to area employment and enterprise opportunities was also suggested as was a focus on short term prisoners subject to supervision to allow the development of support models within Probation services. The need for guidance in relation to definition/scope was raised to ensure a targeted approach to the intended cohort is maintained particularly where there could be a degree of overlap in the hard to reach activity.

**Q3 Young People aged 16-24**

*To what extent should the model be tailored to respond to the specific needs of young people (aged 16-24)?*

Linked with

**Q4 Young People aged 16-18**

*Programme participants aged 16-18 are subject to different sentence management arrangements and supported via separate structures than the rest of the programme cohort. To what extent should the model be tailored to the specific needs of this group, over and above points raised in response to question 3?*

**Response:** Consultation feedback strongly suggested the delivery model should be tailored to respond to meet the specific needs of young people, acknowledging that this age group are more challenging to work with needing a greater level of sustained support, intervention and effective means of engaging with young people. A different approach was highlighted which recognises that this group can often be resistant to the idea of change along with some specific ideas for appropriate ETE activity such as confidence building , work experience, support from peers and mentoring support. Feedback also noted the need to be responsive to the differing nature of youth crime in different areas. NOMS CFO recognises the need not to duplicate existing NEET provision and to be aware of the nature of wider changes in the FE sector. The role of specialist local providers as delivery partners was considered particularly valuable and it was felt that model should recognise complex emotional issues for young people including support to develop family interventions.

For 16-18 year olds specifically, the consultation recommended a CFO activity to have a strong focus on embedding CFO services within the YOTs and providing additional resource to facilitate the transition from youth to adult services. Work is progressing with the YJB to define how best CFO activity can be aligned with statutory provision for 16-18s.

**Q5 Mentoring**

*Prime providers are required to make mentoring part of their overall offer. Do you have a view with regard to effective models/approaches to mentoring and the targeting of the same upon all or sections of the programme cohort?*

**Response:** Consultation feedback strongly welcomed the inclusion of mentoring support as a useful element within the Programme but encouraged mentoring as a sub contracted area to target gaps in local provision to avoid unhelpful duplication with CRCs and NPS. There was also a drive for mentoring to be an integral part of the CFO offer to offenders as opposed to a bolt on. The feedback placed importance on the role of peer methods of engagement and mentoring, particularly for young adults and young people to support behavioural change as well as considering specific mentoring for hard to reach groups such as sex offenders. There were also some helpful suggestions regarding the need for mentoring to be managed and co-ordinated in a robust manner with organisations in the supply chain being able to effectively recruit, train and support a network of volunteers.

**Q6 Social Enterprise**

*Prime providers are required to support the development of social enterprise-based solutions for improving outcomes for the programme cohort. Do you have a view as to the best ways to achieve this (e.g. representation within supply chain, employment opportunities within SEs, development of new SEs etc)?*

**Response:** The feedback indicated a drive for the inclusion of Social Enterprises within the ECA supply chain as well as employment opportunities within Social Enterprises and participants being integral to the development of new Social Enterprises, particularly around identifying social entrepreneurs and incubating business ideas. Social Enterprises were viewed as an attractive option for young people in setting up new enterprises, particularly if supported by a qualification. It was also felt that the CFO requirement should recognise the different types of Social Enterprise–those that want to be part of the supply chain directly and smaller micro businesses who are part of Social Enterprise consortia or networks with prime providers encouraged to use existing structures to market the benefits of employing ex-offenders and also influence Local Enterprise Partnerships (LEPs) to lever additional funds for Social Enterprises. However there was a clear concern about the need for proper co-ordination and the setting of SMART objectives around Social Enterprise development to keep support locally focused which will be taken into account when developing the specifications. There was a degree of concern that the CFO should recognise the financial fragility of many Social Enterprises with the payment mechanism configured against defined Social Enterprise outcomes to ensure funding flows down to those in the supply chain.

**Q7 Families**

*Prime providers are required to make the strengthening of family support networks a part of their overall offer. Prison Visitor Centres provide an opportunity to connect directly with offender’s families. Do you have a view as to appropriate referral methods, criteria, support mechanisms etc to support this approach?*

**Response:** Consultation feedback indicates that a focus on family support provision for offenders would be a welcome addition to the CFO model. Comments received were positive, highlighting a variety of areas where delivery could add value –both to the participant directly and to the wider family e.g. help with travel, a specific family mentor and links to Troubled Families provision. However, consultation views encouraged the CFO requirement to be focused and avoid drifting into duplication with other provision such as contracted Family Support Workers in several establishments. There was also strong feedback that CFO activity for families would be better targeted in the community linking to local VCSEs and Local Authority Community Hubs for example.

NOMS CFO recognises the need for any family support to be built upon trust and respect the needs of the participant first. CFO activity should be embedded within multi agency partnerships and operate within appropriate boundaries and support the family’s wishes.

**Q8 Accommodation**

*Lack of secure accommodation is recognised to be a significantly destabilising factor for offenders, which impacts upon their ability to engage with mainstream support, sustain employment and ultimately contributes to them re-offending. Do you have a view as to the appropriate effective support that could be offered to programme participants to address this issue?*

**Response:** Responses to the consultation acknowledge accommodation as a key factor in developing a stable platform upon which outcomes can be based. Feedback included a useful range of suggested activities such as support to develop independent living skills/tenancy support/money management to support offenders in the community environment. Comments also advocated the use of either case managers or mentors to attend housing appointments and more innovative work with the social housing sector to look at reasons for tenancy breakdown and the investment in support staff/mentors for at risk tenants from hard to reach groups such as offenders with mental health issues. Making housing providers part of the supply chain was considered a proactive approach. NOMS CFO is aware that the accommodation part of the offer must represent a complementary offer from that expected of the CRCs.

**Q9 Linking to mainstream skills provision**

*The skills base/profile of offenders is typically below that of the mainstream. Do you have a view as to the best way to link programme participants to mainstream skills provision?*

**Response:** Regarding ways of linking participants to mainstream skills provision, consultation responses made several useful observations and suggestions including better links with the National Careers Service, apprenticeships and using the Sector Skills Councils. A key drive was to fund bridging provision within CRC and NPS premises and effective partnerships with adult learning providers. Case managers to support with LDD and ESOL barriers was considered an important stepping stone to mainstream provision as was funding for local grassroots VCO open door community resource centres to undertake basic skills assessments and pre vocational literacy and numeracy support. In the community particularly, feedback suggested there was a real need for high quality alternative provision to support chaotic lifestyles to help offenders access mainstream. Input from employers via a co-ordinated employer engagement strategy was considered essential as was harnessing support from the private sector to support the transition from custody to community. The expectation placed on TR, that 'Through the Gate' contractors will be very focussed on joining up OLASS provision with mainstream Skills System provision post-release was raised, the drive from incumbent OLASS and NCS providers to already be inking up with the mainstream plus the introduction of resettlement prisons in the home release area should all facilitate this.

**Q10 Ringfenced element to support skills provision**

*Further to question 9, prime providers will have a ring-fenced allocation to support skills provision within prisons. Do you have a view as to the most effective use of the same?*

**Response:** The feedback suggested ringfenced monies for skills provision were a positive aspect, the caveat being if used creatively to increase offender skill sets which did not conflict with OLASS or NCS. There was however a degree of concern from some about the need for the ringfenced provision in already crowded local commissioning arrangements in custody involving OLASS, NCS, establishment directly delivered learning and skills provision and various VCSE providers. In addition to introducing a new ‘provider’ this fund may introduce, there were also worries about the impact on the OLASS budget if local delivery defaults to using up the NOMS CFO funds before drawing down OLASS provision. Furthermore, there was some disagreement in the feedback as to whether the OLASS budget is currently able or not to flex to local adaptations to cope with shifting skills priorities within the local economy.

As such, there was a greater appetite for this funding to be extended to the community particularly to support the lack of OLASS provision. Several suggestions were made for how this funding could be used which will be considered for the specifications. In terms of appropriate use, issues were raised to ensure that the ringfenced fund is passed down from the primes to the supply chain guaranteeing the funding is used appropriately to complement OLASS activity and support the ‘core activity’ included in the participant pathway. NOMS CFO recognises the concerns that this funding will need to be managed carefully to avoid competition with prison learning offers e.g. OLASS/NCS and will also address the need for additional support to be made available in the community where many participants will not be at a point to link with mainstream provision. In either case, it would be prudent to require engagement of the CRC in any commissioning of skills provision from the CFO ringfenced element of the ESF budget.

**Q11 Health**

*NOMS CFO Programme is designed to deliver positive outcomes for offenders which contribute to wider targets and objectives across the public sector. Health outcomes are considered to be an area in which the Programme can impact significantly. Do you have a view as to the most appropriate approach to delivering the same?*

**Response:** Feedback suggests that a focus on health provision for offenders would be a welcome addition to the CFO model. Comments received were positive, highlighting a variety of areas where delivery could add value to the delivery of services.

**Q12 Starter distribution**

*Prime providers are targeted to gain approximately 70% of starts within custody. It is envisaged that through-the-gate support will eventually produce an evenly balanced caseload across custody and community. It is recognised that both specific local circumstances and the needs of sub-groups within the Programme cohort may require local variations upon this targeting. Please detail any circumstances or groups which may require variation from the 70/30 custody/community start approach.*

**Response:** Responses to the consultation were mixed regarding the proposed 70:30 custody/community split. Specifically, the feedback suggested a model which should better recognise the significant needs outside custodial settings and place emphasis and resourcing on ways to ensure the most needy clients are targeted in the community through appropriate referral routes.

NOMS CFO acknowledges it is very difficult for offenders to secure a job from within prison, moreso with conditions surrounding ROTL becoming stricter and temporary release to attend interview becomes less likely. However, NOMS CFO recognises that there is much preparatory work that can be done in custody and as such the focus on core activity and social inclusion to aid movement towards engagement with the mainstream. Given that almost all offenders will be subject to a period of licence/supervision, it is anticipated that a significant proportion of CFO participants started in custody will move through the gate and continue to be supported by the CFO programme in the community balancing the caseload more evenly.

Whilst NOMS CFO fully accepts offender numbers within the community are much greater that in custody, the funding allocation to NOMS CFO means the programme is unable to work with everyone and decisions on where to prioritise participant starters was made largely by information provided to NOMS CFO at the time of developing the specification. NOMS CFO anticipates that the expertise and good practice developed in the community in recent years will not in fact be lost but will built upon as participants move through the gate on licence or join the programme as community starters.

Feedback highlighted experiences in previous CFO projects of more women being started in the community and therefore variations to the proposed split may be required for this group coupled with a need for a targeted approach with women’s prisons to improve access, referral and prison buy in.

**Q13 CFO Alignment**

*How can NOMS CFO delivery best align and integrate with other offender provision across custody and community, particularly changes emerging from the Transforming Rehabilitation Programme?*

**Response:** Consultation responses raised a number of challenges regarding alignment and integration, particularly with Transforming Rehabilitation. There was widespread agreement for CFO delivery to be responsive to local gaps in provision as well as likely changing provision as TR embeds underpinned by the need for transparency and clear inter-agency communication amongst providers. There was clear recommendation for NOMS CFO providers to be flexible, to seek to integrate themselves with CRC provision and sustain a clear focus on moving people towards the labour market. Joint planning and assessment, sequencing of interventions and timely sharing of risk assessments underpinned by effective data sharing agreements were highlighted as specific examples.

Concerns were also raised however that the current CFO specification did not evidence sufficient distinction between CFO delivery and that expected of the CRCs with a real risk of duplication especially for housing, substance misuse and an anticipated holistic case-managed approach for women offenders. Duplication was raised as an issue with regard to assessment, planning but particularly case management which should remain with the Offender Manager in the CRC. Concerns were also raised about the relatively limited opportunity for meaningful dialogue between the CRCs and CFO 3 providers about alignment and integration to aid with the CFO bidding process.

NOMS CFO is aware of the need to present a distinct offer and aims to do this by targeting hard to reach groups of offenders (including NPS managed offenders) and focus on an array of outcomes which will support movement towards the labour market and facilitate social inclusion. Wherever possible, proposed delivery elements in the specification will be better defined whilst looking to the market to assist in informing how ESF funds can be used creatively and flexibly. Furthermore, it was felt unlikely that the CRC providers will be able to meet the needs of all offenders plus a risk that NPS managed offenders may be marginalised - potentially being viewed by some as too difficult to engage with resulting in gaps to which CFO activity could add real value.

**Q17 Referral Routes**

*Do you have a view as to effective referral routes, criteria and protocols for community referrals bearing in mind the different statutory arrangements for low-to-medium risk offenders (CRCs), high-risk offenders (NPS) and 16-18 year olds (YOTs)?*

**Response:** Suggestions from the consultation were to have local and regional (as appropriate) links with CRCs, NPS and YOTs into the CFO programme, potentially using a standard referral form including risk information. A concern has been raised that with only 30% of caseload based on community starts controlling demand and managing expectations given the reduced numbers will be more of an issue than finding sufficient referrals. Support with marketing and communications into CRCs, NPS and YOTs would also be welcome by prospective providers. Co-location of CFO case managers within those 3 main referral agencies was also suggested to help to break down the barriers and overcome cultural issues. Clear guidance around criteria and service delivery are key but should be informed by the different agencies. Flexible identification of offenders was also suggested linking in with voluntary and community providers skilled in engagement to promote the CFO programme and encouraging voluntary self referral into provision. This would also aid communication local between providers and CFO case managers. Suggestions will be taken forward into development of the specifications and additional guidance pertaining to referrals.

**Q14 NOMS Commissioning Intentions**

*All respondents are encouraged to read NOMS Commissioning Intentions 2014 document. How can the CFO model support NOMS wider commissioning strategy?*

**Response:** Responses indicated the CFO should lead the way in evidencing the role of Social Enterprise support, mentoring, targeted support and the integration of Sustainability Development into core commissioning given the evidence that demonstrates that social economic and environmental well being of areas can seriously support a reduction in reoffending. NOMS CFO recognises this and expects potential providers to demonstrate appropriate mentoring approaches and the development of Social Enterprise-based solutions as key aspects of delivery in all ECAs. NOMS CFO has used the Commissioning Intentions as a framework for the key areas of proposed delivery and will look to the market to inform delivery, particularly in the community. NOMS CFO is committed to ensuring lessons learned are integrated into future commissioning cycles within NOMS.

**Q15 Data sharing**

*Are there any wider partnership structures or data sharing processes beyond those of the Criminal Justice Sector to which NOMS CFO providers should be linking their delivery?*

**Response**: Some useful suggestions were made for partnerships which will be incorporated into the specification as appropriate. Clear requirement for effective data sharing between various agencies, which NOMS CFO is aware of, and continues to work towards. Responders have identified TR and the Work Programme as the areas where the sharing of information will be most important although data sharing with local government and Local Enterprise Partnerships should also be considered.

**Q16 ESF Contract Areas (ECAs)**

*The ESF Contract Areas (ECA) have been selected with regard to ESF designation, economies of scale and prison management structures. Do you have a view as to appropriateness, scale and definition of the same?*

**Response:** Suggestions were made about specific financial allocations to particular areas within a region, to tackle deprivation and focus funds where they will have the most impact. NOMS CFO recognise that this is an appropriate approach, but will look to the market to identify where funds could best be used and implement this as part of any winning bid.

Feedback has highlighted the potential difficulties of the ESF Contract Areas (ECAs) not aligning closely enough with TR CPAs or other identified regions. It is not possible to align with every regional structure and NOMS CFO have agreed the ECAs in negotiation with the ESF Managing Authority (recognised by the EU). Providers will be required to ensure that they have awareness and understanding of other regional structures, in order to deliver effective services.

**Q18 Payment Mechanism 1**

*Does the proposed payment model as detailed in Appendix L strike the right balance between provider performance and payment?*

**Response:** Consultation feedback suggested that the proposed payment model was generally well received and respondents felt it represented an appropriate balance between provider performance and payment.

Comments were positive about the focus on progression in the payment model and the clear guidance on the trigger mechanisms on CATS and links to expected financial claim procedures. Some respondents found it difficult to comment in terms of level of cash flow at this stage, given that the size of payment at each stage and associated volumes have not yet been published. Additionally, it is worth noting that the PbR element only accounts for half the contract value excluding the ring-fenced amounts and that operating costs should also be flowed down appropriately.

Queries were raised as to tracking sustained employment outcomes over 6 months. Whilst NOMS CFO recognises that there is value in this, it is felt that money is best focused at earlier points in the employability journey and that a target of 6 month sustained represents significant achievement for this client group.

Arguments were made for various gateway stages to become payment stages. NOMS CFO are satisfied that the proposed model sufficiently incentivises providers to work appropriately and effectively with the participants. Furthermore, we are reluctant to offer financial incentive to only complete early stages of journey. This can lead to inappropriate referrals and targeting. Primes however will be encouraged to divide and flow down payments which reflect the totality of work required to reach a payment stage.

A number of specific interventions/activities were suggested for inclusion at various stages. Many of which are sensible and easily accommodated, and as such will be included.

Various requests were made to allow people to begin the participant pathway again or at least go back to earlier stages. The participant pathway allows stages to be revisited (for example Core Activity should be continuous). However, in terms of ensuring a fair financial allocation to each participant, multiple payments cannot be made for stages.

There were requests both to weight employment and other later stage payments to reflect the particular needs of ECAs (i.e. if unemployment rate is higher, then higher payment). This could only be achieved by squeezing earlier stages or taking allocation from other ECAs. Given the fact that offenders can move around the custodial estate and that there is high attrition built in to latter stages, NOMS CFO is content that the current level of incentivisation is correct and no further rebalancing is required.

**Q19 Payment Mechanism 2**

*Does the proposed payment model provide a sufficiently robust framework for effectively performance managing the Programme whilst ensuring quality of provision?*

**Response:** It was noted that some areas of delivery or range of outcomes are missing wholesale from the payment mechanism and that whilst the same may be the primary responsibility of other Departments, it cannot be assumed that there will be sufficient coverage. Response: NOMS CFO has a remit to increase the employment prospects of offenders. We do this by securing external funds and combining these with existing contracted provision to develop our CFO Programme. The external funds come with their own sets of constraints, targets, expectations, policy direction etc. Most of the suggestions for new categories of activity would not sit easily within this funding (e.g. apprenticeships would sit within the ‘Skills’ priority of the ESF Programme rather than the ‘Social Inclusion’ priority).

It was suggested that community providers could be at a disadvantage if custody providers get a starter payment and do nothing else then refer on to pick up the bulk of the work. This will be addressed through the fact that payments are weighted heavily towards activities that are more involved and occur later in the pathway.

Whilst recognising that Framework is robust, it was suggested that its complexities may make it difficult to monitor effectively. Response: The CATS system has monitoring and reporting facilities which cuts through the complexity and allows NOMS CFO Performance and Contract Management Team to effectively control the contracts.

Respondents asked for early clarity of outcomes and evidence requirements. NOMS CFO will be publishing detailed evidence guidance during the procurement process ahead of contract award.

It was posited that some providers may artificially retain participants in NOMS CFO provision to achieve outcomes and thus payments instead of moving them into appropriate mainstream provision when they are ready, thus creating duplication (i.e. to hit higher payment triggers). This is of course always a theoretical risk with all provision. However, the CATS system and participant pathway will generate a robust audit trail, which can be used by Performance and Contract Managers to challenge providers where there are indications of inappropriate behaviour such as that described.

A number of respondents requested more flexibility within the participant pathway (i.e. doing activities out of sequence, dropping stages etc.). Response: one of the main drivers for the introduction of the participant pathway is reduction of ‘gaming’ and ‘cherry-picking’ of participants. If a participant does not need an intensive level of intervention and/or can move straight to employment outcomes, then they should not be on this programme.

**Q20 Social Inclusion/ESF/LEPS**

*NOMS CFO Programme has previously been funded under the Employability ESF priorities. For the 2014-2020 ESF Programme, NOMS CFO will be funded under the Social Inclusion priority. Do you have view as to any challenges, opportunities or constraints which may emerge as a result of this switch?*

Linked with Q21

**Q21 Alignment with Local Enterprise Partnerships and ESIF Opt in Organisations**

*NOMS CFO Programme and its providers are required to align with and avoid duplicating the ESF provision put in place by respectively the Local Enterprise Partnerships and ESIF Opt-in Organisations (e.g. DWP, Skills Funding Agency, Big Lottery). Do you have a view as to any challenges, opportunities or constraints which may arise from this requirement?*

**Response**: Concerns have been raised that the social inclusion category may be too undefined, leading to confusion by providers about what should/can be delivered. NOMS CFO is keen to broaden areas of delivery for offenders within the new programme, lessening the focus on employment as the only outcome for participants. The social inclusion category will allow providers to deliver services which address wider issues, making individual support a priority.

Unsurprisingly, much of the feedback concentrated on how duplication of services can be avoided. This has been a major focus throughout the first and second delivery rounds for NOMS CFO and will feature as a priority in the next programme. CFO delivery is likely to commence well ahead of other Opt-ins for the ESF 2014-20 Operational Programme, so opportunities for early alignment are limited during the planning stage. NOMS CFO recognises this and will continue to work nationally with DWP, SFA and Big Lottery, as well as with LEPs at local level.

**Q22 Contract period and break point**

*Please detail any issues with or opportunities arising from the proposed contract period and break point as detailed within section G1 of the specification*

**Response:** From the feedback provided, the proposed contract period and break point is welcomed. The contract period enables delivery to become embedded providing time for services/quality/partnerships/stability for all members in the supply chain to become established. The break clause is realistic and it also enables providers to demonstrate their delivery capacity capacity and the points raised in respect of how it would be applied will be given due consideration. NOMS CFO will, if appropriate to these contracts, draw upon the Market Stewardship Principles of the Transforming Rehabilitation Programme and the Industry Standard Partnering Agreement. The latter in particular outlines how sub-providers within the supplier chain are managed should any issues arise in respect of the performance of the prime provider for a given contract area.

NOMS CFO is continually required to demonstrate effectiveness and best value for public finance. As such there is a requirement to retain flexibility to respond to shifting priorities at national and European level including the possibility of a referendum. At this stage it is impossible to predict implications for contracts.

**Q23 Mobilisation period**

*We are proposing to allow a 3 month period at the start of the contract for providers to focus on mobilisation of the service, training and general logistics. As such there will be no requirement to begin delivery to participants until the end of this period. Is this period long enough to enable providers to start full scale delivery, or would gradual roll-out of service deliver better outcomes in the long-term?*

**Response:** From the feedback received, the 3 month mobilisation period was welcomed and considered realistic in that it provides time to plan for and resource delivery properly prior to starting the programme. Respondees felt that with a mix of new and existing providers, delivery of outcomes could start to be generated within 3-6 months although the outcomes later in the pathway would need longer lead in time. It was felt by some however that for new providers especially, a longer lead time to full delivery was needed, over and above 3 months with preference for a more gradual roll out of services. 6 months was suggested by some respondees to provide a reasonable period for procurement of services, a more gradual roll-out of services and time to set up referral routes/models for YOTS, short term prisoners etc. Gradual roll out of service delivery would also need to be mapped against CRC provision which itself may take varying amounts of time depending upon the nature of the different CRCs. The feedback also highlighted that the mobilisation period will depend on TUPE transfer, alignment to existing provision and the impact of the Transforming Rehabilitation tendering processes/go live.

**Q24 Impact of Transforming Rehabilitation Programme**

*Do you have a view as to the extent that the outcome of the Transforming Rehabilitation Programme could impact upon your own organisation's approach to bidding for, or delivering any particular ESF contract area for NOMS CFO Programme*

**Response:** Feedback to this aspect of the consultation was mixed, both in terms of delivery and bidding. Some respondents viewed the opportunities to bid for both TR and CFO as a positive approach for integrated delivery (particularly as a sub contractor) and opportunities to work with mainstream providers to add value and supplement provision. Smaller organisations raised concerns about their ability, structure and financial infrastructure to bid for both programmes and encouraged TR and CFO to be much closer linked.

The majority of the consultation demonstrated significant concerns posed by the impact of TR regarding potential overlap and duplication, particularly around sequencing of interventions and case management. The significance of Through the Gate mentoring for both TR and CFO is highlighted and gives rise to queries about negotiation between CRC’s and NOMS CFO3 primes as to who, essentially pays for mentoring; how to ensure there is no ‘double counting’ and who sub-contractors report to. Timing of the respective procurement timetables is considered a key factor. The more that is know about incoming CRC delivery, the better the CFO can be aligned to add value. Difficulty arises from the lack of clarity as to what timescales TR providers will be working to in terms of delivering any radical changes to what is currently probation and TTG delivery.

For former Trusts recently evolved to the CRCs, there is significant complexity in options to bid for both TR, NOMS CFO either as the CRC or a staff mutual in partnership with others.

**Q25 Procurement process**

*Do you have any views on the procurement process and associated timescales as outlined within the PIN/Descriptive Document and Specification?*

**Response:** Of the consultation feedback received, there was mixed opinion; some felt the timescales and process were realistic, affording the opportunity for dialogue with the winning CRC bidders whilst others felt the timescales were challenging and provided limited opportunity for meaningful discussion with newly formed CRCs. There was also a request for a common EOI for primes to use with potential subs which would reduce the amount of work required for all.

On the procurement process itself, there was a call for an open consultation phase where potential bidders can come to a central point across the various regions and discuss some pertinent issues with NOMS. This would help with fulfilling the Social Value Act requirements and help with organisations trying to match or support their sub providers where necessary. It would also give the opportunity for smaller organisations to possibly pool together.

**Q26 Additional comments**

*Do you have any other comments upon the proposals, which you not been able to include within your previous responses?*

**Response:**

There were a number of additional comments including ensuring the CFO project has a national identity and smarter branding to reduce confusion and a drive for greater inclusion of VCSE representation. All the issues raised are being considered as development of the CFO 3 progresses.