

Speaking Out briefing 11: Ministry of Justice Third Sector Strategy:

Improving policies and securing better public services through effective partnerships 2008 – 2011

The Ministry of Justice is the lead department for criminal, civil and family law, offender management, youth justice, parole and constitutional affairs. The department has published a *Third Sector Strategy* which will govern the future relationship with the voluntary and community sector. This briefing sets out the main elements of the Strategy and considers the implications for the children and young people's voluntary and community sector.

This briefing is part of the Speaking Out series.

Speaking Out

Speaking Out is a partnership between the National Council of Voluntary Child Care Organisations (NCVCCO) and the National Council of Voluntary Youth Services (NCVYS), which seeks to build a voice for the children and young people's voluntary and community sector across government.

The project aims to develop closer links between a range of government departments (Home Office, Ministry of Justice, Department for Environment, Food and Rural Affairs, Communities and Local Government, Cabinet Office and HM Treasury) and the voluntary and community sector in delivering cross departmental policies such as *Every Child Matters* and *The Children's Plan* and the direct implementation of initiatives which affect children and young people.

Speaking Out aims to support children, young people and family voluntary and community organisations to better understand the impact on their users of a wider range of government policies and provide routes to influence them. The project is funded by the Office of the Third Sector in the Cabinet Office.

Who are these briefings for?

This series of briefings intends to provide members of both NCVYS and NCVCCO and other interested parties with background and analysis on specific policy items affecting the sector.

Other activities

In addition to these briefings the Speaking Out project is developing work streams around the policy themes which include:

- organising a series of seminars and events;
- establishing communities of interest amongst members and other organisations on specific policy themes;
- making representations to government; and
- linking with wider NCVYS and NCVCCO campaigns.

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1. Introduction

In June 2008 the Ministry of Justice (MoJ) launched its *Third Sector Strategy: Improving policies and securing better public services through effective partnerships 2008-2011*¹. The Strategy sets out how the MoJ will engage with the third sector to deliver better public services and improve policy through effective partnerships. The Strategy is the overarching framework within which more specific actions will be developed and implemented.

In February 2008 Speaking Out hosted a round table event, with representatives from the children and young people's voluntary and community sectors (CYPVCS), to inform a response to the MoJ's Third Sector Strategy consultation². The response broadly welcomed the proposals set out in the consultation document, however there was concern at the lack of information about how the proposals would be implemented.

This provides some policy context to the MoJ Third Sector Strategy and summarises its content, highlighting particularly pertinent areas of interest for the CYPVCS.

2. Policy context

The MoJ was created on 9 May 2007, replacing the Department for Constitutional Affairs, and taking over responsibility for policy on the overall criminal, civil, family and administrative justice system, sentencing policy, courts, tribunals, legal aid and constitutional reform. As part of government's cross-departmental working, the MoJ shares responsibility with the Department for Children, Schools and Families (DCSF) on a joint unit for youth justice issues and sponsorship of the Youth Justice Board. The unit develops policy and law in relation to children who offend or are at risk of offending. One of its aims will be to ensure that children and young people who come into contact with the criminal justice system achieve the Every Child Matters outcomes³.

The MoJ has also demonstrated effective cross-government working with the joint publication of the *Youth Crime Action Plan*⁴, with DCSF and the Home Office. This is a positive recognition that issues around children and young people frequently cross over government responsibilities and require a holistic approach to policymaking. In its delivery of the *Third Sector Strategy*, the MoJ is pursuing the current cross government policy priority of partnership working with the third sector. The Strategy also recognises the need to work with other departments, in particular with the Office of the Third Sector (OTS), which sits within the Cabinet Office. The OTS was

1 <http://www.justice.gov.uk/docs/third-sector-strategy.pdf>

2 The Speaking Out response to MoJ's Third Sector Strategy consultation is available to download via: <http://www.ncvys.org.uk/index.php?page=568>

3 <http://www.everychildmatters.gov.uk/aims/>

4 <http://www.dcsf.gov.uk/publications/youthcrimeactionplan/>

created in May 2006 and leads work across government to support the environment for a thriving third sector (voluntary and community groups, social enterprises, charities, cooperatives and mutuals), enabling the sector to campaign for change, deliver public services, promote social enterprise and strengthen communities. When created, the OTS incorporated the responsibilities of the Active Communities Directorate in the Home Office, and the Social Enterprise Unit in the Department for Trade and Industry.

In July 2007 the Government published the final report of its review of the third sector⁵. The review, carried out by the OTS and HM Treasury's Charity and Third Sector Finance Unit, set out plans to promote partnership between government and the third sector. The final report stated that:

The Office of the Third Sector will champion and provide support to Government Departments wishing to provide strategic, long-term funding to third sector organisations to provide a consistent voice in public policy making, alongside the development or updating of Departmental third sector strategies.

(HM Treasury & Cabinet Office, 2007:27)

Communities and Local Government⁶ had already launched its third sector strategy in June 2007, and other departments followed suit, laying out how they will effectively work with the third sector to implement their work programmes⁷.

3. MoJ Third Sector Strategy summary

This section summarises the key elements of each part of the strategy and the success measures that the MoJ will be using to assess progress.

3.1 Introduction (p5-10)

This chapter describes MoJ's makeup and business areas, that each area has a policy lead, and highlights that the MoJ has a Third Sector Champion⁸ and a Third

5 **HM Treasury & Cabinet Office** (2007) *The future role of the third sector in social and economic regeneration: final report* is available to download via: http://www.cabinetoffice.gov.uk/third_sector/third_sector_review/Third_sector_review_final_report.aspx

6 <http://www.communities.gov.uk/publications/communities/thirdsectorstrategy>

7 Speaking Out responses to government consultations on the MoJ, CLG and Defra third sector strategies are available to download via: <http://www.ncvys.org.uk/index.php?page=568>

8 Each government department has a Third Sector Champion who is a senior manager with responsibility for championing their department's engagement with the voluntary and community sector and taking forward the Compact. A list of Third Sector Champions is available at: http://www.thecompact.org.uk/information/100018/101234/101495/100272/government_champions/

Sector Liaison Officer⁹. The Strategy is a framework that will lead to more detailed programmes of work, including the development of the department's volunteering strategy, and highlights that the MoJ will work closely with the Office of the Third Sector in the development of these supporting strategies and actions.

The Strategy aims to develop the engagement of MoJ policymakers and the third sector. Special areas for consideration are listed and include young people from disadvantaged communities, the particular needs of those from BME communities, inclusion of the user voice and how to engage smaller organisations.

The MoJ will establish a Third Sector Forum/Advisory Group/Partnership Board that draws together key third sector representatives and relevant officials. This will be one body; the name and format are to be confirmed. The body will meet bi-annually to review progress and identify future planning requirements. Where possible the meeting will be attended by the relevant Minister. The body will be set up by autumn 2008.

Amongst other issues, the MoJ has responsibility for the delivery of criminal and civil courts, legal aid and services for victims and witnesses, and recognises that the third sector plays a critical role in delivering services in these areas. The Strategy also highlights that the MoJ wants to re-engage people with the democratic process and improve the public's understanding of the justice system.

The Strategy is built around four drivers which are consistent with the mission of the Commission for the Compact:

1. enabling voice and campaigning;
2. strengthening communities;
3. transforming public services; and
4. encouraging social enterprise.

The Strategy aims to meet specific recommendations, set out by HM Treasury to MoJ¹⁰, including:

- recognise and respect the independence of the third sector and the right for third sector organisations to campaign whether or not they are under contract to delivery services;
- involve the views of a diverse range of voices;
- examine the contribution of volunteers; and
- act as an exemplar in employer-supported volunteering and community engagement.

9 Third Sector Liaison Officers support the Third Sector Champion in each government department and has a more direct implementation role in liaison with the voluntary and community sector and taking forward the Compact. A list of Third Sector Liaison Officers is available at: http://compact.live.poptech.coop/information/100020/100215/100273/government_third_sector_liaison_officers/

10 Letter to Amanda Finlay, Director, Legal Services Funding Policy and Regulation, Access to Justice Group, MoJ, from HM Treasury, June 2007.

The underpinning principles of the strategy are explained including improving commissioner skills, aligning departmental and other commissioning frameworks and supporting and driving forward the Compact principles. Government has devised eight commissioning principles¹¹ that all commissioners of public services should follow:

- develop an understanding of the needs of users and communities through engagement with the third sector;
- consult potential provider organisations well in advance of commissioning;
- put outcomes for users at the heart of the strategic planning process;
- map the range of providers with a view to understanding the contribution they could make to delivering these outcomes;
- consider investing in the capacity of the provider base;
- ensure contracting processes are transparent and fair and involve a broad range of suppliers;
- seek to ensure long-term contacts and risk sharing wherever appropriate; and
- seek feedback from service users, communities and providers in order to review the effectiveness of the commissioning process meeting local needs.

3.2 Voice and campaigning – enabling individuals’ and groups’ voices to be heard (p11-13)

MoJ needs to capitalise on the diversity of the third sector but recognise that not all views might find their place in subsequent policies or actions.

MoJ wants to empower communities, victims and witnesses, users of the justice system and associated services, citizens more widely and third sector providers of services to help it shape services at national and more local levels. MoJ wants to draw on the knowledge and experience of the third sector, especially where it needs to reach vulnerable groups and communities.

Examples of what the MoJ and the third sector are already achieving are given including the Victims Advisory Panel and the National Offender Management Services Faith and Voluntary Sector Alliance.

¹¹ The eight commissioning principles are from *Partnership in Public Services: An action plan for third sector involvement* (HM Government, 2006). Available to download via: http://www.cabinetoffice.gov.uk/third_sector/public_services/~/_media/assets/www.cabinetoffice.gov.uk/third_sector/psd_action_plan%20pdf.ashx

What success might look like?

Government is reviewing the Code of Practice on Consultation¹² and expect departments to be more innovative to ensure that policymakers engage with the more marginalised groups in the sector, including faith and equalities groups. The MoJ believes that this element of the strategy will be in place when:

- third sector representatives are more included in policymaking, service shaping and design at national and local levels;
- sector involvement includes groups who might normally be marginalised;
- third sector providers have and meet their own diversity standards and policies;
- service users/receivers are more confident that their services are responding to their needs;
- there is improved communication between policy leads, commissioners and the sector;
- sector involvement in Local Strategic Partnerships (LSPs);
- organisations and citizens/service users are kept informed of developments; and
- there is a clear separation between inclusion in service design by the third sector and any subsequent service commissioning when third sector organisations might be in competition.

3.3 Strengthening communities (p14-16)

The roles of the Welsh Assembly Government, local government and Local Strategic Partnerships (LSPs) are critical in creating stronger communities.

MoJ wants to tap into the social capital that may be available through mentoring and volunteering. Investment may be needed for recruitment, training and the management of volunteers. Some simple and accessible grant funding may be needed, alongside increased opportunities for contracting coupled with community capacity building, providing the practical support needed for people to tackle local problems.

Examples of what MoJ and the third sector are already achieving are given including the Roehampton Partnership and the Feltham Community Chaplaincy Trust.

What success might look like?

The MoJ believes that this element of the strategy will be in place when there is:

- central government and ministerial priorities and objectives that help influence local practices and Local Area Agreements (LAAs);
- representation of relevant third sector organisations on LSPs;

¹² Cabinet Office (2007) *Effective consultation, asking the right questions, asking the right people, listening to the answers*. Cabinet Office, London.

- routes for the department to capitalise on third sector organisations working locally;
- increased partnership and consortia working across sectors;
- increased inclusion of disengaged young people, families and minority groups into the mainstream and to address social exclusion;
- volunteering and mentoring is encouraged;
- improved information sharing about effective volunteering and volunteering good practice; and
- increased use of social clauses in contracts, and sharing information about their use and impact.

3.4 Transforming public services (p17-20)

The Strategy recognises that public services must respond to the needs of service users. MoJ operates through numerous, varied markets including young offender secure places and community supervision and domestic violence. MoJ wants the third sector to help it to understand user needs as a pre-requisite to service design and delivery and is committed to deploying commissioning arrangements as a key basis for channelling funds to providers to improve services. MoJ wants constructive, collaborative and transparent relationships between skilled commissioners and third sector organisations, and will encourage collaboration between providers.

Examples of what MOJ and the third sector are already achieving are given including the West Midlands Connect Project and work by Samaritans.

What success might look like?

The MoJ believes that this element of the strategy will be in place when there is:

- greater third sector engagement in the design and shaping of services and improving joint planning between policymakers, commissioners and the third sector;
- more effective commissioning;
- increasing numbers of accredited/assured providers;
- clear risk sharing understanding in contracts;
- Compact compliance is applied and assessed;
- reduced barriers to entry to public sector provision by other sector providers;
- capacity building support for third sector organisations;
- commissioner training to include sharing contracting risks and joint commissioning with other government departments and other commissioners;
- assessment of service improvements and impact on outcomes and streamlining the reporting arrangements for the third sector; and
- improved information sharing about effective services and partnerships between all sectors.

3.5 Social enterprises (p21-22)

MoJ wants to see social enterprises increasingly able to deliver its services and that it plays its part in creating conditions for their development.

Examples of what MOJ and the third sector are already achieving are given including work of the Bradford & District Youth Offending Team and the 'Get Into' project.

What success might look like?

The MoJ believes that this element of the strategy will be in place when there is:

- markets that are shaped to make them more accessible to social enterprises
- consultation with social enterprise ambassadors, as included in the social enterprise action plan;
- co-operation/connections between social enterprises and charitable organisations; and
- increased commissioner awareness and developing commissioner understanding of contracting with social enterprises and any particular risk sharing issues that commissioners need to consider when contracting with social enterprises.

4. Possible implications for the children and young people's voluntary and community sector (CYPVCS)

The MoJ *Third Sector Strategy* is a promising move towards additional and sustained third sector involvement in the work areas covered by the MoJ. However, further assurances that MoJ will effectively work with other departments are needed, particularly joint work with the Department for Children, Schools and Families.

Although the Strategy does not specifically focus on the CYPVCS, its proposals can be applied to different third sector settings, including organisations that work with children and young people. For example issues around commissioning are prevalent across government departments and are a consistent problem for some within the CYPVCS, especially smaller voluntary organisations. Other common issues are around valuing and encouraging volunteering, respecting the independence of the third sector and supporting third sector organisations to be involved in policymaking processes.

The Strategy also creates further opportunities for third sector engagement with the MoJ by creating a Third Sector Forum, to be set up by autumn 2008. Key third sector representatives will participate in the Forum and will enable the third sector to have a voice at high-level meetings that will be attended, where possible, by the

relevant Minister. The appointment of Forum members needs to be transparent so that the sector that they represent are aware of who they are. The sector also needs to be clear about how it can contribute to discussions and decision-making at this level.

While it is useful that the strategy provides examples of what the MoJ and the third sector are already achieving together, it will be important for the sector to help ensure that any new initiatives arising from the strategy are based on a thorough analysis of what already exists. As participants at the Speaking Out roundtable noted, many of the interventions that have proven successful, particularly in relation to youth crime, are struggling to secure sustainable funding. It is therefore incumbent on the sector to resist pressure to be innovative all the time and continue to make the case for what is known to work already.

The CYPVCS has a strong track record in delivering crime prevention and alternatives to custody. The strength of the sector derives, in part, from a holistic approach to dealing with children, young people and families. It is vital that this is reflected in the implementation of the MoJ's strategy. In particular, the sector has a key part to play in ensuring that policymaking in one area, such as education, does not have unintended consequences for the wellbeing of children and young people in another area, such as the criminal justice system.

A key part of policymaking is translating national strategy documents into practical reality, especially at a local level. MoJ's Third Sector Strategy is very aspirational and to ensure that it achieves its vision of success, the CYPVCS needs to be fully involved. As previously highlighted the CYPVCS can provide examples of established and innovative good practice, reach a variety of children and young people, including the most disadvantaged, and provide alternatives to traditional approaches to tackling youth crime. Furthermore, the CYPVCS has a strategic role to play in holding the MoJ to account with this strategy, ensuring effective implementation and a maintained, influential presence in policymaking and service delivery.

5. Resources

The MoJ Third Sector Strategy is available at:

<http://www.justice.gov.uk/publications/third-sector-strategy.htm>

Speaking Out's response to the MoJ Third Sector Strategy consultation, and other department consultations including CLG and Defra, is available at:

<http://www.ncvys.org.uk/index.php?page=568>

Further information on government's overarching third sector review, including The future role of the third sector in social and economic regeneration: final report, is available at:

http://www.cabinetoffice.gov.uk/third_sector/third_sector_review/Third_sector_review_final_report.aspx

The Every Child Matters website includes a page on participation of children and young people. It provides links to research and guidance on building a culture of participation and involving children and young people in developing and delivering multi-agency services. To find out more go to:

<http://www.everychildmatters.gov.uk/participation/>

6. Other briefings

- Briefing 1** Knife, gun and gang crime
- Briefing 2** The Government's Social Exclusion Agenda
- Briefing 3** Access to Services in Rural Areas
- Briefing 4** Public Service Delivery
- Briefing 5** Community Cohesion
- Briefing 6** Local Government Reform
- Briefing 7** Placeshaping
- Briefing 8** The Comprehensive Spending Review
- Briefing 9** Rural migrant children, families and young people
- Briefing 10** Gang, Gun and Knife Crime: Seeking Solutions (Part 2)

All the briefings are available at www.ncvcco.org or www.ncvys.org.uk