



**OFFICE OF THE POLICE & CRIME
COMMISSIONER FOR THAMES VALLEY**

REPORT FOR ~~INFORMATION~~ / DECISION

Title: Contract for Victim-Led Restorative Justice Service awarded to Thames Valley Partnership

Executive Summary:

Police and Crime Commissioners will take responsibility for commissioning victim referral, assessment and non-specialist support services with effect from 1st April 2015. This responsibility was previously held by the Ministry of Justice (MOJ) and the change follows a Government consultation in 2012, Getting it Right for Victims and Witnesses.

In response to this shift in responsibilities, the Office of the Police and Crime Commissioner (OPCC) for Thames Valley conducted an OJEU process to provide a Victim-Led Restorative Justice (RJ) Service, including Pre-Sentence RJ, across the police area.

The procurement process is complete and this paper requests approval for the award of the contract to Thames Valley Partnership.

Recommendation:

This paper recommends that the PCC for Thames Valley awards the contract for victim-led and pre-sentence RJ to Thames Valley Partnership.

Police and Crime Commissioner

I hereby approve the recommendation above.

Signature

Date

18.2.15.

PART 1 – NON-CONFIDENTIAL

1 Introduction and background

1.1 The OPCC has commissioned a victim-led restorative justice service as recommended under the Victim's Services Commissioning Framework (2013), communication from the Rt Hon Damian Green to PCCs on 9 December 2013 on 'Future Commissioning of Victim's Services – Restorative Justice', as well as criteria included in subsequent MoJ Victim's grant agreements.

1.2 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 Commissioner's on their role with regards to RJ involved 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 (RJC) will advise on quality and standards.
- If the Commissioner (or chosen provider) decides that a RJ process is appropriate, consent of the offender must also be sought.
- If the offender is being managed in the community, the Commissioner (or chosen provider) will need to liaise with the National Probation Service (NPS) or Community Rehabilitation Company (CRC) depending on who is managing the offender.
- If the offender is in custody, the Commissioner (or chosen provider) will need to liaise with the Prison.
- 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.
- The Ministry of Justice's (MoJ) 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.
- 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 Commissioners will deliver RJ activities where the offender is under 18.

1.3 More specifically, the Conditions of the Victims Grant 2014/15 stated 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).

Current Arrangements for Victim-Led Restorative Justice Services in Thames Valley

- 1.4 The development of victim-initiated, or victim-led, RJ in Thames Valley is relatively new and has taken place primarily through two pilot studies: (i) a European Union (Criminal Justice programme) funded pilot to develop best practise in the field of victim-initiated RJ and (ii) a Ministry of Justice Pre-Sentence RJ pilot, undertaken as part of a national programme, to test the use of RJ under a deferred sentence. Funding was awarded to Thames Valley Restorative Justice Service (TVRJS), which sits within Thames Valley Partnership, for both pilot schemes. There are also local Restorative Justice arrangements in some areas, such as the West Berkshire Restorative Justice Service which deals mainly with lower level offending such as neighbourhood disputes, anti-social behaviour, criminal damage, personal theft and shoplifting.
- 1.5 The MoJ funded pre-sentence pilot, which took place though Oxford Magistrates Court, began in July 2013 and concluded in January 2014. The victim-initiated work began in February 2013 and concludes in December 2014. The number of cases referred to, or considered, under each pilot study was relatively low.¹ However, a number of factors would have limited the volume of cases managed during the pilots, including the time required for implementation and embedding of processes and procedures, the extent and time required for training and promotion to raise awareness of the public and professionals about the projects, and the geographical limitations of the pre-sentence pilot (involving Oxford Magistrates Court only). Thus, the throughputs experienced by the pilot projects do not fully reflect the potential volume of cases for victim-led and pre-sentence RJ in an area the size of Thames Valley.
- 1.6 Learning from the EU pilot highlighted that cases of significant seriousness and complexity were referred, which may have influenced the time required to progress individual cases or presented significant obstacles to progression. The pre-sentence pilot applied only to 'eligible offences' (i.e. those where the defendant pleaded guilty; there were individual victims; the offences did not involve domestic violence or sexual offences; and, initially, both offender and victim had to live in the Thames Valley) which were identified by probation staff from the court list. The defence solicitor and defendant were then approached before court to see whether they would be interested in participating. If so, the magistrates were alerted to this possibility and, if they

¹ Between the period May 2013 and September 2014, 23 referrals had been received into the Victim-initiated pilot from a range of sources, including self-referrals, and 20 cases were adjourned for suitability assessment via the Pre-Sentence Pilot between July 2013 and Mar 2014.

agreed, the case was adjourned for 3 weeks for the victim to be contacted to ascertain their views and if possible consent, and the offender's suitability to be assessed. Offenders would be ruled out if they were likely to re-victimise the victim or if any mental health or substance misuse issues were so out of control that participation was unlikely. At the end of the 3 weeks the magistrates decided whether to defer sentence for RJ to be undertaken. Out of the 20 cases adjourned during the course of the pilot, 6 were assessed as suitable for RJ.

Scope of the new contract

- 1.7 The OPCC, with Procurement support from Thames Valley Police, developed the 'Invitation to Tender' documents which stipulated the requirements for an RJ service and the outcomes required. The OPCC conducted significant market engagement prior to going to tender, including a consultation workshop on the proposed specification. The Restorative Justice Council (RJC) was provided with a draft service specification for comment prior to going out to tender. Comments were received from the RJC and incorporated into the final document.
- 1.8 The tender documentation stated that the overall service Scope would involve a delivery of high quality RJ which has been initiated, or requested by, victims of crime, including 'pre-sentence RJ' available through the process of deferring sentence to facilitate RJ via the Crime and Courts Act 2013. Victims eligible for the service shall be residents, including temporary residents (e.g. students), of Thames Valley:-
- regardless of where or when the offence took place,
 - regardless of whether the offence was reported to the police or not, and
 - regardless of age,² gender, culture, religion, ethnicity or sexuality.
- 1.9 The Service shall be victim-centred, meet the six Restorative Service Standards, be safe, effective, and provide leadership in promoting high and consistent standards of RJ across Thames Valley. The Service shall have achieved, or be working towards, the RJC's Restorative Service Quality Mark (RSQM). The Service shall improve knowledge of RJ within the community and increase opportunities for victims to participate in a restorative intervention. The Service shall not be a stand-alone service but shall link with, and support access into, other support services, provided via both statutory and voluntary organisations in the wider community.

² The provider will only deliver RJ to young victims where a service is not already available via Youth Offending Teams, and in cases where RJ is assessed by the provider to be appropriate and within the RJC guidelines on RJ provision to young people, for instance, that RJ should only be offered with the consent and support of parents/guardians.

1.10 The primary aims of the Service shall be to help victims to **cope** with the immediate impact and/or to **recover** from the longer term legacy of the crime(s) they have experienced.

1.11 The Service shall not include:-

- offender-initiated RJ (including RJ offered via the National Probation Service, Community Rehabilitation Company, e.g. under Specified Activity Requirements/Rehabilitation Activity Requirements, Prisons, Youth Offending Teams, Young Offender Institutions, or Integrated Offender Management referrals)
- RJ arising as a result of low-level, anti-social behaviour which is not deemed to involve a vulnerable or persistently-targeted victim.

The Service Requirements

1.12 The tender documentation set out the requirements for the service. Responses to the essential requirements were individually scored, whereas the Added Value responses were given an overall single score. 'Added Value', or desirable requirements, are often requested to give bidders an opportunity to outline any unique, or added benefits that their bid or organisation may bring to this contract, without further cost to the commissioner.

Overall Aim

1.13 To receive referrals, including self-referrals, from a wide range of agencies and individuals; increase awareness of and deliver high quality, victim-initiated and pre-sentence Restorative Justice interventions, tailored to the individual needs of victims; achieve improvements in every victim's ability to cope and recover from the impact of crime; and assist victims, where appropriate, to access further relevant support.

Essential Requirements

1.14 The requirements listed below are outcome-oriented to encourage innovation and continuous improvement in models of delivery. All of the essential requirements listed must be met by the Provider.

- Provide a victim-initiated and pre-sentence RJ service across Thames Valley which is free and confidential, with the ability to securely maintain contact logs and case files, in accordance with the Data Protection Act 1998.
- Provide a range of routes into the service, at any time following the crime and regardless of whether the crime is reported to the police or not.

- Aim to provide Victim-Offender Conferences (VOCs) but be able, where a conference is not possible or appropriate, to offer a menu of restorative options to victims that do not involve meeting the offender face-to-face.
- Promote improved community and organisational awareness across Thames Valley of the service delivered by the Provider to victims, with the aim of improving awareness of, and access for, potential clients.
- Achieve a sustainable throughput of eligible and suitable cases.
- Through a robust methodology, demonstrate that victims have achieved positive outcomes from the process, including having had their choices respected and, where possible, met,
- Provide a programme of continuous improvement in service delivery, balancing innovation and development with confirmed quality standards.
- Help embed victim-initiated RJ into the wider Criminal Justice System
- Provide evidence-based services in alignment with national Restorative Service Standards, including:-
 - Senior-level leadership to champion restorative practice and promote effective delivery systems.
 - Restorative practice is included in the organisation's overall strategy, policies and plans. Strategy, policies and plans are understood by all staff and progress against them is regularly monitored.
 - Staff/volunteers are properly trained and competent to carry out their role as defined by the latest version of the Best Practice Guidance for Restorative Practice, and have access to effective support and supervision, line management, professional development and peer support.
 - Restorative services are focussed on the needs of users, are inclusive and accessible.
 - Restorative practice delivery is based on working effectively with external organisations in order to deliver services properly and achieve the best outcomes for service users.
 - The organisation adopts clearly defined output and outcome measures that relate to its aims for restorative practice, monitoring is undertaken in relation to these measures and evaluations made of performance. National guidance and legislation from the Restorative Justice Council or the UK Government is adhered to. Feedback and user satisfaction data form part of the performance measurement process.
- Support the implementation of the Public Services (Social Value) Act 2012 through the added social, economic or environmental benefits to local

communities arising from the Service model. For example, demonstrate knowledge and understanding for needs-led local support, and how you will:

- develop and empower local people and community organisations, building trust and longer term support in local communities,
- increase levels of efficiency and effectiveness connected to local voluntary and community organisations and agencies,
- ensure accountability to, and the involvement of local communities, volunteers and victims as service users.

Added Value

1.15 The added value outcomes listed below would enhance the service provision at no extra cost to the Commissioner and should be considered by the Provider:-

- Facilitate consultation with victims to improve understanding of the victim's experience of RJ, and to help inform future service improvements.
- Consider the needs of those around the victim and seek to ensure they are recognised and supported.
- Develop and implement a communications strategy, in partnership with the Commissioner, aimed at increasing public awareness of victim-led RJ, including appropriate use of media and social media platforms.
- Develop and evaluate RJ approaches appropriate for vulnerable victims, or victims of very serious offences, or other circumstances normally excluded from RJ schemes, such as cases involving domestic or sexual violence, and road death.
- Promote best practise and quality standards through provision of commissioned training and consultancy to other organisations and bodies across Thames Valley.
- Conduct evaluation and research on RJ activity to contribute to the evidence-base and promote continuous improvement.
- Contribute to responses to government consultation documents and other enquiry processes.

2. Overview of the tender process

- 2.1 An open tender process was followed in accordance with TVP's Financial Regulations and the requirements of the EU Procurement Directive.
- 2.2 A tender notice was placed on the Bluelight web site; a tendering site used by 30 police forces in England and Wales. The tender was opened in November 2014 and closed on 9th January 2015. Two organisations submitted tenders:-
1. Thames Valley Partnership, and
 2. Restorative Solutions
- 2.3 The evaluation considered cost of service and quality of service (including social value, proposed outcome measures to demonstrate benefits to service users, and added value). The criteria and scoring system used, the evaluation process and the outcome is set out below.

Criteria and scoring applied

- 2.4 The evaluation criteria were divided into two parts – **Cost** and **Deliverables**. The following criteria and weightings were applied to the evaluation of offers:

Criteria	Weighting
A. COST	
Cost All Costs	40%
B. DELIVERABLES (or non-cost)	
Essential Requirements (as set out in the specification)	30%
Social Value	5%
Added Value	10%
Commercial (Conformance with Contract Conditions)	5%
Performance Indicators and reporting	10%
Overall Total	100%

- 2.5 When assessing tenders the scoring table applied ran from a lowest score of 0 to a highest score of 10.

i. Cost

Evaluation was based on the total cost of the Services over the three year initial term of the contract (excluding any extension periods). The lowest overall cost tendered was awarded 100% of the maximum score (e.g. 10). Higher costed tenders were awarded a score based on the proportional difference between their price and the lowest price.

ii. Deliverables (or non-cost criteria)

Deliverables included five criteria (Essential Requirements, Social Value, Added Value, Performance Measure and Commercial). Each was evaluated using a score based on a maximum of 10 and a minimum of 0.

Each essential requirement was scored using the 0 to 10 scale. The total scores awarded were added together, divided by the maximum score available and multiplied by 10 in order to identify the score out of 10.

Added Value was assessed and given a single score by each assessor using the 0 to 10 scale. This was designed to allow bidders flexibility to respond to the suggested added value elements provided in the tender documents, provide additional added value elements in their bids, or both.

When the scoring assignment was completed, the score for each criteria was multiplied by the relevant weighting as shown in the criteria table above (e.g. where the weighting is 40%, the highest score of 10.0 became 4.0 and a score of 8.0 became 3.2).

iii. Combined Score for Cost and Deliverables

The weighted score for each section was added together to produce the overall total score for each tender. The tender with the highest score was deemed to be the most economically advantageous. Please see final evaluation grid attached as Appendix A to this report.

Evaluation Process

2.6 A staged process to evaluate the bids was used as follows:

1. Initial independent evaluation
2. An evaluation day
3. Final independent assignment of scores

- 2.7 A financial health check was also carried out on both bidding organisations by the PCC's Chief Finance Officer using Experion. Both organisations were recorded as being financially sound.

Initial independent evaluation

- 2.8 The bids were initially evaluated separately by 2 OPCC officers and an external subject expert. Each evaluator independently evaluated the bids and assigned scores to each of the criteria. At this stage the evaluators did not discuss any of the bids, merits or their individual scores applied.

Evaluation day

- 2.9 Following initial independent scoring, an evaluation day was subsequently held with all three panel members and TVP Procurement to discuss score rationale, to identify any significant differences of opinion and whether there was a need for further clarification questions to bidders.
- 2.10 All three evaluators had each separately reached similar conclusions. They were broadly in agreement across all elements of the bids, and had formed similar opinions on the strengths and weaknesses of each bid. Information was missing from one of the bids in relation to whole contract costs, and this information was subsequently requested by TVP Procurement prior to final scoring and weighting.

Final independent assignment of scores

- 2.11 A scoring grid was completed by each evaluator independently and submitted to TVP Procurement for collating and weighting, for a final score to be calculated by TVP Procurement.

Outcome

- 2.12 The highest overall score was awarded to Thames Valley Partnership who obtained 59.22% compared to 56.56% obtained by Restorative Solutions. Thames Valley Partnership scored more highly than Restorative Solutions in each of the deliverables criteria, although Restorative Solutions achieved the highest point score for cost.

3. Issues for consideration

- 3.1 The UK along with 26 other Member States of the EU 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.

4. Financial comment

- 4.1 The Ministry of Justice has indicated that it will grant the PCC for Thames Valley £2,467,000 in 2015/16 for the provision of Victims and Witnesses services.
- 4.2 The cost of the RJ service in Thames Valley will be £283,984 in Year 1, £312,875 in Year 2 and £320,442 in Year 3 (this includes £36,211 set-up costs to be paid over the life of the contract).
- 4.3 The cost of this annual contract is lower than the upper limit agreed for this service (£350,000) and will be funded from the annual MoJ Victim's grant. This leaves capacity for the PCC to invest in other appropriate specialist victims' services.

5. Legal comments

- 5.1 This contract has been let following a lawful tender process carried out in compliance with the EU Procurement Directive. The contract and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) will be governed by and construed in accordance with the law of England.

6. Equality comments

- 6.1 All services must meet the Equality Duty legal obligations for public bodies set out in Section 149 of the Equality Act 2010. When evaluating the tender submission, Thames Valley Partnership demonstrated compliance with statutory regulations regarding equality and diversity.
- 6.2 OPCC and Thames Valley Partnership will conduct regular reviews of equality issues to highlight and address areas of need and to ensure the service is responsive to the needs of specific communities.

Public access to information

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the website within 1 working day of approval. Any facts and advice that should not be automatically available on request should not be included in Part 1 but instead on a separate Part 2 form. Deferment of publication is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of this form to be deferred? YES

If yes, for what reason? To allow for the completion of a legally required procurement standstill period

Until what date? Until the standstill period has concluded (which must be a minimum of 10 days) and/or for any disputes raised in the standstill period to be resolved.

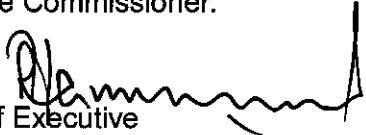
Is there a Part 2 form? YES

Name & Role	Officer
Head of Unit It is proposed that this contract for a victim-led restorative justice service be awarded to the tenderer achieving the overall highest evaluation score – Thames Valley Partnership	Shona Morrison
Legal Advice The tender process was carried out with full assistance from TVP procurement service and has been conducted with the requirements of EC procurement rules.	Jacob Rickett
Financial Advice Although the bid from Restorative Solutions was cheaper, the Thames Valley Partnership bid provides better value. This contract is fully funded by the MoJ grant in 2015/16	Ian Thompson
Equalities & Diversity Both bids effectively complied with the Equality Duty and would be capable of meeting Equality and Diversity to the satisfaction of the PCC.	Shona Morrison


STATUTORY CHIEF OFFICERS' APPROVAL

We have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report.

We are satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.


 Chief Executive

Date 17/02/2015


 Chief Finance Officer

Date 17/2/15