

# Hate Crime Commissioning Process – case study of a successful commissioning process in Bristol

This case study includes some reflections on the 2013 Safer Bristol commissioning process for Hate Crime Services.

## Background

This was an interesting piece of commissioning and Bristol's Compact Liaison Officer (CLO) was part of the Joint Hate Crime Commissioning Group since October 2011. The commissioning process was looking at the need for hate crime services, which had focussed on homophobic hate crime (delivered by EACH), disablist hate crime (delivered by WECIL) and race hate crime (delivered by SARI). All services had been separately purchased and the commissioners wanted to check the current need for such services and to make sure that resources were applied strategically and coherently.

The CLO role on such commissioning boards/committees is to advise about best practice in working with the voluntary and community sector (VCS), using the Bristol Compact as a set of guiding principles. Throughout the commissioning process, there were good discussions about several crucial issues with the knowledge that the success of the process would depend on those deliberations. The following points indicate that many parts of the Bristol Compact were fully integrated into the process. This has contributed significantly to the success of this commissioning process, which was subsequently recognised nationally in a **Compact Award for Advancing Equality** – [more news here](#).

## Consultation

The draft commissioning plan was out to consultation with diverse stakeholders for a 12 week period, in line with Bristol City Council's commitment to the Bristol Compact (commitments 3.3, 3.4 and 3.6). The responses to the consultation were diverse and very useful. Several aspects of the final commissioning plan changed as a result of comments and suggestions in the consultation. VCS organisations responded well to the consultations, facilitating the involvement of their service users (commitments 1.17, 1.19, 3.11).

## Outcomes framework

As is common with services that are being commissioned for the first time (after a history of separate purchasing), outcomes for service users need to be defined and agreed. On Compact advice, the commissioning group took some of the learning from the Bristol Youth Links commissioning process and applied it in this process. There was, for example, a particularly useful 'outcomes framework' that was developed further. This helped to define the service outcomes and their links to city-wide strategies, the activities/services that contribute to the outcomes and the measurable indicators and targets. The outcomes framework can be [downloaded here](#) – it is worth a look to see how commissioners articulate and present such things.

## Grant or contract?

The commissioning group deliberated long and hard over the best purchasing process. On one hand, the advice from the Strategic Commissioning and Procurement Service was that the only fair way to do it would be to follow procurement regulations. But the commissioning group knew that these services did not require adherence to EU procurement regulations (Part A) and also acknowledged that BCC had received much feedback about procurement processes excluding VCS organisations. The commissioners were aware that the provider market comprised VCS organisations and none from other sectors. Weighing up all considerations, the commissioning group decided that a competitive grants process was appropriate. This was a notable decision that was contrary to advice from the procurement department. In fact, that department stated that it could not provide support to the commissioning group if it did not implement a procurement process.

This is a particularly important point: it means that the purchasing process (and paperwork) were more inclusive – VCS organisations, in general, are more familiar with and, therefore, able to engage better with outcomes based competitive grants processes. All new arrangements are for three years. These are important parts of the Bristol Compact (commitments 1.6, 1.8) and it was good to see them in this process.

### **Partnership working**

The commissioning group was aware that the changes in focus of the new services were likely to mean that there was not one single provider that could meet all requirements. It was clear, therefore, that if current service providers were to be involved in future arrangements, then partnership working would be required. The grant application papers that were released to market were not specific about collaborative requirements. There were, however, many questions in the application form about such arrangements. This requirement or expectation should have been more clearly stated so that everything was transparent and the provider market was informed about how to respond.

Since then, BCC has released guidance to the market on [Collaborations in Grants](#) and [Collaborations in Procurement](#) – these documents clearly describe the forms of collaboration that will be acceptable to the local authority in two contexts. It must also be noted that there is a requirement on commissioners to base any preferences for particular forms of collaboration on a market analysis – that is, stated preferences must be evidence-based and must be possible for providers in the market.

### **Joint commissioning**

The main rationale for the commissioning group was to pool resources from various sources and to achieve value for money and efficiency. Joint commissioning is a Compact commitment (1.9) and in this case, funds were pooled from four different sources and commissioners with different interests joined forces.

### **Review of the commissioning process**

The Joint Hate Crime Commissioning Group was reconvened in October 2013 to review the commissioning process (commitment 1.5). The review of this process has led to a Lessons Learned document (appended) and is more evidence of best practice – making the learning available to commissioners across Bristol City Council and further.

### **New Bristol Hate Crime Services**

Bristol's Hate Crime Services are being delivered by S.A.R.I. (formerly Support Against Racist Incidents - now Stand Against Racism and Inequality) with local providers: Brandon Trust, Bristol Mind and the Lesbian Gay Bisexual and Transgender Forum Bristol. Its focus is on Supporting, Educating and Strengthening Bristol's Diverse Communities.

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## Safer Bristol

### Hate Crime Joint Commissioning Group (HCJCG meeting)

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**Title:** Lessons learned for the purchasing the Hate Crime Services

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#### 1. Background:

During the process of commissioning the Hate Crime Community-based Support Services, Peter Anderson, Chair of the Hate Crime Joint Commissioning Group (HCJCG), requested the development of a paper regarding the lessons learned during the process and the use of the preferred purchasing model (a competitive grants process). This paper covers the process and explores where we could improve the future competitive grants or commissioning processes in Safer Bristol Crime Reduction team. It also has relevance for commissioning throughout Bristol City Council and will be shared.

#### 2. Lessons learned:

##### 2(a). Time

The process started in November 2011. The grant funding agreement to deliver services to support hate crime victims was awarded to a collaborative bid by four service providers with a start date of 1<sup>st</sup> June 2013. This means that the process took a total of 18 months. The HCJCG wanted to commission a good quality, effective hate crime service which meets the needs of local people and to avoid legal challenge around the commissioning process. It was imperative to get the process right. This was the first time that the Safer Bristol Crime Reduction Team had used a competitive grants process and also the first time they had used the new Proactis (e-procurement) system.

#### What went well?

The HCJCG was bold and creative in using a competitive grants process and sought either single or collaborative bids for the delivery of the new hate crime services. The HCJCG used the principles of the Bristol Compact and the Social Value Act when deciding to use a competitive grants process to purchase the hate crime services. The HCJCG recognised the value of local knowledge and experience of the various providers of services within Bristol and the importance of such services to equalities groups.

## **What could have been better?**

The procurement and competitive grant process took longer than envisioned. This was mainly because the HCJCG wanted to make sure they were thorough in developing the framework for the outcomes and interim outcomes of the service. Realistic time-scales for commissioning processes should be agreed, using robust project planning to ensure that all elements of the process are identified, especially those critical elements (such as developing an outcomes-based approach).

## **2(b). Funding Process**

Market analysis indicated that an open tendering process was not the most effective methodology for this process. The strength and social value of the community and voluntary sector already delivering Hate Crime Community Support Services in Bristol was also a key consideration. It was therefore agreed that the best route to purchase the service was through a competitive grants process rather than a tendering process. This decision, however, meant that the Bristol City Council (BCC) procurement team could not practically support the process, which meant that the HCJCG had to develop a bespoke competitive grants process.

## **What went well?**

The new Hate Crime Support Service will be the first collaborative bid to run a service using the competitive grants process. This process has helped develop learning and collaboration across other departments within the Council and will be shared with other commissioners within Bristol City Council. The HCJCG decided to use an outcome-based process and developed service outcomes (taking into consideration the consultation comments from events, feedback and the online survey). The HCJCG was nominated for and won the national Compact Award for Advancing Equality Work in a commissioning process using the competitive grants process.

The HCJCG carefully considered the funding or purchasing options, using a basic options framework and the Council's business case template. Most members of the HCJCG had not used a competitive grants process before and were concerned about the efficacy and the process, the robustness of the outcome and of the risk of legal challenge if a tendering process was not used. Using an options appraisal meant that the HCJCG could fully discuss and understand the likely risks and benefits of both contracts and grants before making the decision to use a competitive grants process.

## **What could have been better?**

The decision to use a competitive grants process was made late in the process. This meant that there was a small risk of challenge from other providers that may have not had the opportunity to bid for the hate crime services because they were not eligible to apply for the grant funding. This would have been avoided if the HCJCG had considered the funding options earlier. This learning point has led to the development of a 'Funding Decision Support Tool' which is now available on the Council's 'Enabling Commissioning' intranet pages for all commissioners to use.

## **2(c). Capacity**

The amount of officers' time in developing the Hate Crime Support Service was at times considerable. Staff time and resources needed to undertake thorough consultation, develop an outcomes-based funding approach and manage a bespoke competitive grants process should not be underestimated.

### **What went well?**

The HCJCG brought together people with a wide range of skills and knowledge. They worked together to share their knowledge of service users, the Bristol Compact and the in-depth knowledge of competitive grants processes, the BCC procurement system and open commissioning processes. The HCJCG benefited from the experience and involvement of the membership who all brought their skills, time and energy in developing the hate crime commissioning process.

### **What could have been better?**

Elements of the process were at times complex and lengthy, particularly the consultation, preparing the business case (which considered how the service should be funded) and preparing the grants process. Commissioners need to be clear what support will be needed and what is available (e.g. from Procurement or from the Investment & Grants Team) and to estimate the time commitment required from the 'host' team, in this case Safer Bristol, Crime Reduction Team.

## **2(d). Available Funding**

This commissioning process joined up previous separate processes and funds (this is one of the commitments in the Bristol Compact) through joint commissioning. Securing clarity about the monies available and budget confirmation was challenging, especially in the context of the preparation for the Mayor's budget and changes to public sector funding.

The funding available for the Hate Crime Support Services unfortunately changed during the process, and was only finally agreed at the public feedback event held January 2013. Despite the challenges of joint commissioning and late confirmation of budgets, Safer Bristol was able to put in place a three-year agreement with the service provider. This important success (also a Bristol Compact commitment) allows the services to develop and really make a difference for service users.

### **What went well?**

The members of the HCJCG were able to pool their funding to jointly fund the hate crime services for Bristol at a time when public sector budgets are shrinking. By combining the funding available, the HCJCG were able to purchase a community based hate crime service, where other local authorities are or were unable to purchase a service for victims of hate crime.

## **What could have been better?**

It would have been better if funding could have been agreed and secured from all contributors from the start of the process. However, it is difficult to know how this could have been achieved. Where joint commissioning is being undertaken, the commissioning body should ensure that separate funding contributions are risk assessed and that risks are reviewed and mitigating actions put in place to reduce the risk of reductions or withdrawals of funding over the lifetime of the process.

## **2(e). Political influences and structural changes**

This commissioning process took place alongside a number of changes. The current Coalition Government is aiming to reduce public sector spending and the size of the public sector. The City Council is seeking to rationalise its staffing structure and is reviewing its workforce. A Mayor was elected for Bristol with the power to affect the funding available for the Hate Crime Service. The new elected Police Crime Commissioner is to commission a generic support service for all victims of crime across the Avon & Somerset area in 2014 and this may further affect funding. This uncertainty concerning future funding and capacity may have made the Hate Crime Services grant less attractive to potential providers who would otherwise have submitted bids.

## **What went well?**

The commissioning of the new hate crime services was not affected by any political influence from either the Mayor or the Police Crime Commissioner. In fact, the project benefited from the appointment of the Police and Crime commissioner's additional offer of funding the service users support group for one year.

## **What could have been better?**

The current political climate is uncertain and this may have had a negative effect on the competitive grant process in terms of the number of organisations able to bid. Perhaps the HCJCG could have been more proactive in creatively generating interest from other sectors of the community, although we did send the invitation to bid for the Hate Crime Support Service to a wide range of providers of services in Bristol.

## **2(f). Consultation and Engagement**

The grants process involved a variety of engagement activities for service providers and their clients, including the provider's sessions, consultation and feedback events, online and offline surveys and communications through briefings and newsletters. These were all immensely valuable. Yet feedback revealed that some people were unaware of many aspects of the consultation process. In retrospect, it would have been useful to have engaged with Hate Crime victims before developing the Hate Crime Service Outcomes. Perhaps even more creative approaches to service development could have been generated if victims had been consulted at this very early stage of the process.

## **What went well?**

Any form of consultation and engagement activity is useful and important. The information and comments from the consultation helped the HCJCG to develop the outcomes and identify what was important for victims of hate crime and this shaped the process.

## **What could have been better?**

To ensure communication is maximised, however, other forms of engagement tools could be developed in the future, including social media tools and a dedicated webpage similar to the Youth Links site to keep interested parties up to date on the process. In order to maximise the opportunities for getting the service right, it is important to involve people who have direct experience of needing the service at a very early stage in the process.

## **2(g). Collaborative Approaches**

This was the first competitive grants process to result in a new VCS collaboration. Although collaborative bids had been invited for a previous process (The Tackling Discrimination Grant) no collaborative bids had been received.

The Bristol Hate Crime Services collaboration is ready therefore for responding to other opportunities and learning from this collaboration is also being shared within the wider VCS.

## **What went well?**

The HCJCG was open to a collaborative bid for the service. However, the grants paperwork and evaluation for collaborative bids had not been 'tested' before because no collaborative bids had previously been received. In fact the grants paperwork enabled the VCS organisations to show how they would work together and to show what each party would bring to the service. It allowed the grant evaluation panel to understand how the collaborations would work and how the whole service would be delivered and so enabled them to assess the applications and made a recommendation for funding.

## **What could have been better?**

The grants paperwork was repetitive in places. It worked but could be improved upon, using the input from the respondents (in section 3 below). Commissioners' understanding of the types of VCS collaboration and how and when collaborations could be set up was limited but has increased as a result of this process. Our guidance about collaborative bids has been updated, with separate guidance now written for VCS organisations. Future competitive grants processes should consider the benefits of collaborative approaches and should build on the processes used in this hate crime services commissioning.

## **2(h). Post Award negotiation**

The paperwork for the Hate Crime Service competitive grant process included a needs assessment and an outcomes framework but no specification. Organisations were invited to bid by telling us what they would provide for the grant funding available, how many people would benefit and how this would contribute to the outcomes.

The successful providers had to 'bid to win' and expected there to be a post-award discussion about what was actually possible and realistic. However, this was not clear and the commissioners' expected all that had been proposed. The result is of benefit for service users and has led to some good partnership work by the Safer Bristol Crime Reduction Team and the Bristol Hate Crime Services collaboration to develop some aspects of the service.

### **What went well?**

The competitive grants process resulted in the successful grant award to a collaboration of local VCS providers and clearly met the requirements of the Council to show that value for money was obtained and that state aid rules were not broken.

### **What could have been better?**

There should be a 'reality check' to ensure that proposals are deliverable and realistic. This could be built into the competitive grants process by asking providers what they would definitely deliver and what 'added value' they could offer subject to post award negotiations.

### **3a. Response from service provider about the competitive grants process and Proactis (the online commissioning portal).**

Current and previous service providers were invited to take part in a survey regarding the commissioning process for the new Community-based Hate Crime Support Services developed by the HCJCG. A range of questions were asked regarding the process overall, the application process and the application forms.

Several organisations responded to the survey. Below are the main findings and additional comments.

#### **(i) Was the competitive grant process clear?**

40% felt the process was clear and 60% felt it was unclear.

Comments:

HCJCG need to be clear on the outcomes and the model of the service it wished to purchase.

The end to end process needs to be much clearer as to whether the interviews formed part of the process.

The issues around forming a consortium were unclear and unsupported. When the consortium broke up our organisation was unsure of how to proceed in bidding for the services.



**(ii) Do you think there could have been a better process for purchasing the Community-based Hate Crime Support Services?**

Comments:

Happy with the competitive grants process, as this allowed a collaborative bid and to share experience and knowledge.

Felt the process was too long and the consultation and procurement processes could have been shorter and streamlined process.

**(iii) Do you have any ideas or thoughts on how this stage of the process could be improved?**

Comments:

Less repetition within the questions asked on the application form. Unclear on how to fill in the application forms when a collaboration answer was required, who fills in which section. The permissible word count was too low to adequately allow us to explain our answers

Some inconsistencies with advice received regarding filling out the forms and the advice within forms themselves.

**(iv) Is there anything else you would like to say about the consultation process?**

Comments:

Try to make the whole process more streamlined and reduce the length of time to procure new services in the future.

The process seemed fair and thorough, open and evidence of the information submitted during the consultation process was acted upon.

**(v) Do you have any other comments or ideas regarding the use of the competitive grants process as a preferred model for procuring community based services?**

Comments:

The new Proactis system is much better than the old Council's commissioning system we used previously.

It would be beneficial for future procurement process if the panel assessing the bids could comprise 50% non-Bristol City Council staff. This would help to ensure a balanced objectivity.