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# The potential impact of local commissioning on victim services in England and Wales

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## **The potential impact of local commissioning on victim services in England and Wales.**

### **Abstract**

This article looks at the shift that has taken place in the funding of victim services in England and Wales, following the decision to appoint Police and Crime Commissioners, and give them the responsibility to commission such services at the local level. Over the past forty years or so the voluntary sector agency Victim Support was 'the major victims' agency' to which the majority of victims who reported crime to the police were referred. Victim Support therefore enjoyed reliable and consistent funding from the state, whilst its more 'independent peers' in the form of specialist services, had to contend with often less generous and less stable sources of funding. The shift to local commissioning chimes with the neo-liberal ideology which has permeated Conservative government policy since 1979, and which the Coalition of 2010, and the Conservative government of 2015, have continued to champion. Thus the economy and the commissioning of victim services are increasingly subject to 'the market', as the best way to achieve efficient, effective and economic service provision. An array of government documents have talked about the importance of introducing competition into victim service provision, both as a political goal but also as a way of meeting the challenges that the current era of austerity poses. This paper then explores the potential implications for victim services, in devolving funding to elected Police and Crime Commissioners in England and Wales.

### **Keywords**

Local Commissioning, Police and Crime Commissioner, neo-liberalism, voluntary sector, Victim Support.

### **Introduction and Background**

In January 2012 the Ministry of Justice (MoJ) published a consultation document entitled 'Getting it Right for Victims and Witnesses' in which the plan to shift away from a more centralised approach to the funding of victim services in England and Wales was announced (Ministry of Justice 2012a). This shift was intended to take power and responsibility away from centralised government and locate it back in the community (Kisby 2010), and as such is a manifestation of the neo-liberalism introduced into the UK by the Thatcher government of 1979. This approach aimed to revive economic liberalism, both as a form of political economy and ideology (Gamble 2001). In its purest form, economic liberalism featured laissez-faire

capitalism wherein the state's role was minimal and supportive of free markets, rather than posing any form of challenge (Harvey 2005). The neo-liberalism of the late 1970s was then part of a move that took place on a global scale. It was promoted to electorates as a means of best advancing human well-being, by liberating individual entrepreneurial freedom and restraining the level of intervention by the state (Harvey 2005). Thus, over time, we see the whole-scale de-regulation of labour markets and the introduction of competition within all sectors of public life. Neo-liberalism has arisen therefore as a critique of Keynesianism, which since the Second World War had provided the democratic legitimacy that capitalism needed, via the creation of the welfare state and within this the regulation of markets (Gamble 2001). By its very nature, the welfare state of the post-war era became a major obstacle to the freedom that neo-liberals hold dear, and so its demise was part of the new way forward (Harvey 2005).

A reading of numerous policy documents shows the shift to the local commissioning of victim services tying into the growing neo-liberalism that has encroached into the public sector, and more recently into third sector agencies, particularly those that bid for contracted-out criminal justice work (Clayton et al 2015). The shift to local commissioning is also presented as part of the ongoing 'austerity measures' that the Coalition government of 2010 introduced, and which the 2015 Conservative administration have continued to implement, in terms of the search for doing more with less (Morgan 2012; Levitas 2014).

This message was reiterated by the Evidence and Practice Review carried out by Callanan et al (2012a), stating that the third sector has grown significantly over recent decades as a victim service provider, and that the government has played a major part in this growth, providing some £151m per annum (Ministry of Justice 2012a). Victim Support has been one of the largest providers, receiving £38m direct grant aid in 2011/2012, with 184 third sector organisations being funded through three funds set up by the Ministry of Justice in 2011 – the General Fund for frontline support to victims and witnesses, the Homicide Fund for support for bereaved families of murder/manslaughter victims, and the Rape Support Fund for organisations supporting victims of rape and sexual assault (Callanan et al 2012a). Callanan et al state that 'in this context, and at a time of austerity, it is crucial that resources are allocated where they will be most effective' (2012a, 1).

Support for victims via the third sector has then been provided in two broad ways, firstly by the largely state funded organisation 'Victim Support' which supports victims of a range of volume crimes such as burglary, theft, robbery and non-intimate partner violence. Victims of these crimes were referred by the police to Victim Support on an 'opt out' basis (Simmonds 2013), and as such the organisation provided a more 'generic' service (Rock 1990). More recently Victim Support began to offer support to victims of more serious crime, such as sexual assault and domestic violence, however victims of these crimes would be asked explicitly whether they wish to be

referred to the service. Secondly, alongside Victim Support, a range of specialist victim services have grown, such as those which support victims/survivors of rape and sexual assault, and domestic abuse. Some of these services developed as 'grass roots' feminist inspired agencies, catering for women only, however others developed provision for male and female victims. These and other 'single issue' victim support services filled the gap for victims who wish to seek help from agencies catering for their specific needs. In this way the 'victim support landscape' was made up of the more widely known generic agency Victim Support and specialist services for victims of more serious and/or particular types of crime.

This mixture of generic and specialist support has grown over recent decades, with the creation of the first 'Victim Support' scheme in Bristol in 1974. Following the success of this initial victim agency, a network of schemes under the banner of Victim Support grew, as confidence in the idea increased. The creation of the first scheme in Bristol was a result of collaborations between local criminal justice professionals and academics from Bristol University (Rock 1990). The service was created in response to the recognition that whilst offenders' needs were catered for within the criminal justice system, specific support for victims' needs had long been neglected. Thus in these early days Victim Support developed, as were other voluntary sector agencies such as Rape Crisis or Women's Aid, as a grass roots support mechanism, seeking and attracting pots of funding from a variety of streams. In these early days Victim Support obtained financial support from sources such as the Manpower Services Commission, Urban Aid and local council grants, as well as undertaking fund-raising themselves (Maguire and Corbett 1987). However in 1979 Victim Support had won favour with the government, attracting funding of £10,000 from the Home Office 'to enable the National Association to establish a suitable administrative machinery to handle the work of the Association at national level' (Rock 1990: 171). In these early days, 'National Office' as it was colloquially referred to, was more of an administrative centre rather than a regulatory body for the growing number of local Victim Support schemes, and its creation signalled the government's endorsement of Victim Support and the nature of the work that it performs (Rock 1990).

The recognition by the Home Office of Victim Support as 'trustworthy' in terms of what it does and how it does it, led to further and increasing backing from the state. Its reputation as an 'apolitical' organisation was important in terms of gaining such support, and so it was no coincidence that Victim Support was the only support organisation included in the first Victims' Charter in 1990. This illustrated the confidence felt by the state and its agents, in identifying just one referral route via the police to Victim Support, rather than to any other agency (Simmonds 2013). Victim Support continued to receive increased levels of funding from the state, notwithstanding who was in power. Indeed, as has been noted with some element of surprise, the Conservatives in the 1980s provided a major boost to the organisation's coffers (Mawby and Walklate 1994), and as such appeared to challenge the very

principles on which they ran the economy. In other words funding was handed to the agency with little reference to pursuing the 'three 'e's' of economy, effectiveness and efficiency, which permeated the rhetoric of the day (Simmonds 2005; Gilling 2007). Part of the government's rationale for this was that funding an agency which relied upon volunteers was a cheaper option than providing a statutory service, hence the apparent 'U turn' in relation to granting relatively large amounts of direct grant aid unconditionally to one voluntary sector service. Victim Support received its core funding from the state, thus creating a greater sense of stability for the organisation.

Victim Support remained in this comfortable situation until 2002, however it was at this point that the National Audit Office announced the agency would need to demonstrate what it was doing with monies received, a point that was reiterated by the House of Commons Committee of Public Accounts in 2003.

*Our examination suggests that the Home Office needs to clarify its specification of its priorities for Victim Support and strengthen its arrangements for monitoring the level and quality of service and the financial sustainability of Victim Support.*

*(House of Commons Public Accounts Committee 2003)*

It was around this time also that the then New Labour government proposed opening up competition within the voluntary sector, such that monies would be devolved to Local Criminal Justice Boards for agencies, including Victim Support, to bid for funding. Notwithstanding these potential threats to the previously 'guaranteed' funding enjoyed by Victim Support (Purves 2003; David Blunkett 2012), New Labour encouraged Victim Support to undergo a final restructure in 2008. This transformed the agency from a federation of local support services (Mawby and Gill 1987), to a single charity. In this way Victim Support became 'the' national victims' service (Victim Support 2012; Simmonds 2013), providing standardised support to victims in England and Wales. In Victim Support's own words, the organisation continued to provide a community based service, whilst being managed and administered directly from its centre in London (Victim Support 2012).

The increasing neo-liberal turn of the 21<sup>st</sup> century, coupled with the austerity measures of the time led to the Ministry of Justice reviewing the funding of victim services across the board, but also in particular the funding of Victim Support. In particular the consultation document of January 2012 set out a case for service providers within each local police area to submit bids to the local Police and Crime Commissioner (PCC), who would then decide which services to fund (Ministry of Justice 2012a).

This document set out the government's plans for the shift to local funding on a range of grounds, both in keeping with the political ideology of neo-liberalism and drawing on evidence from the British Crime Survey (BCS) (Walker et al 2009). Essentially this represented a major challenge to Victim Support in terms of its

monopoly as a victim service provider. According to the British Crime Survey 2008/9 (Walker et al 2009) around 80% of victims said that they did not want any assistance either from the state or from other sources. The paper also noted that in 2010/11 Victim Support received more than a million referrals, however was only able to contact and assess 60% of these, with only a third of victims assessed as needing support. This, according to the Ministry of Justice, was both unsustainable and wasteful (Ministry of Justice 2012a, 18), and whilst it was noted that Victim Support provide a vital service, the MoJ stated that it is essential that support 'is not routinely provided to those who do not need or want it' (Ministry of Justice 2012a, 10).

Indeed the position that Victim Support was in around this time was one where its early practice of sending volunteers out unannounced, just as a good neighbour would knock on someone's door to see if they were alright, had been replaced by a much more streamlined case management approach. Following the White Paper 'Rebuilding Lives' (Office for Criminal Justice Reform 2005), Victim Support reshaped its service so that it operated via regional Victim Care Units to whom initial referrals would be made by the police and those victims who self-referred. An initial needs assessment would be undertaken by telephone, by a regional Victim Care Officer. If further support was required, a referral would be made to the local service. In this way then Victim Support had already rationalised its service and claimed that cost savings had been made (Victim Support 2012). However, notwithstanding this, Victim Support was challenged, not only on the basis of the BCS evidence, but also in terms of the nature of the service now being offered, in that initial calls would be made by regional support workers, who were often based at great distances away from victims and their localities. This meant that in the first instance victims were talking to workers who had little or no knowledge of the communities in which they lived. This therefore added fuel to the fire of localism, as the Ministry of Justice (2012a) argued that giving the local Police and Crime Commissioner the power to assess victims' needs (needs assessment) and then to decide which services to fund, and so meet those needs, was the best way forward.

*As to how services are to be delivered, we need to commission them in a way that better reflects and is more responsive to local needs, with most services therefore commissioned at local level rather than from Whitehall. ...the bulk of victims' services will, from 2014, be commissioned by Police and Crime Commissioners...*  
(Ministry of Justice 2012a)

This view was confirmed by the government's response in July 2012 to the 350 agencies that had replied to the initial consultation of January 2012. The 'Forward' written by Ken Clarke stated that the bulk of victim services would now be devolved to democratically elected Police and Crime Commissioners, that PCCs much more than the centre are best placed to decide what communities want, and that the current monopoly of a central purchasing approach was not the best use of

taxpayers' money. In continuing to emphasise government commitment to a local approach, Clarke talked of the move to commissioning as,

*...one that loosens the grip of Whitehall and of agencies that have got rather too comfortable depending on centralised finance. (Ministry of Justice 2012b)*

In this way, Victim Support was again challenged, as having grown 'too comfortable' thanks to taxpayers' money. The argument for localism is that this will keep agencies more 'in touch' with victims and their local communities' needs in terms of service provision, although the Ministry of Justice will continue to commission specialist services such as the support for families of homicide, rape support centres and the Witness Service<sup>1</sup>.

As well as moving to a local commissioning approach, the government also noted the need to target victim services more towards those who suffer the greatest impact. These are defined as victims of serious crime such as murder and rape, repeat victims and those who are the most vulnerable by dint of being more likely to become a victim or who need particular assistance in coping with crime or engaging with the criminal justice system (Ministry of Justice 2012b). In addition the success of services should be based upon outcomes rather than outputs, in other words the ability of victims to cope in the immediate aftermath of crime and then to recover would be the yardstick by which agencies would succeed or fail, rather than being measured on outputs, such as how many victims were contacted. This follows a growing trend in other sectors where 'outcomes' have become the preferred measure such as the National Health Service and the Department of Work and Pensions (O'Hara 2015). The government have also identified a range of needs that services will work towards meeting. The move to local commissioning has been viewed by a range of commentators as less than ideal, across a number of indicators, as this paper will now discuss.

The commissioning process is undertaken in two ways. The first round of commissioning took place in the run up to April 2015, and the re-commissioning of services would follow as bids expired. The definition of commissioning is how to use resources to improve users' outcomes in the most efficient, effective and sustainable way. This is important as it has shifted the focus, as noted earlier, away from outputs such as counting how many victims have been contacted to showing improved outcomes based on the ability of victims to return to the life they had before the crime occurred (Ministry of Justice 2013). Eight categories of need have been identified as those which support services should help victims with.

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<sup>1</sup> The contract for running the national Witness Service was awarded to the Citizens Advice Bureau from 1<sup>st</sup> April 2015. This is a two year contract, whereas previously Victim Support had created and run the service since its inception.

- Mental and physical health
- Shelter and accommodation
- Family, friends and children
- Education, skills and employment
- Drugs and alcohol
- Finance and benefits
- Outlook and attitudes
- Social interactions

The documentation underpinning the process is very clear, in that it states that it will be up to commissioners to exercise their judgement in assessing the needs of victims in their locality, and so determine which victims should be supported (Ministry of Justice 2013). Again how victim services are to be commissioned and provided in a PCC area is a matter for the local PCC to decide. Locally commissioned services must be able to operate across geographical PCC boundaries and PCCs can join together to commission services. PCCs may also wish to collaborate with other agencies such as the Department of Health and Local Authorities.

The first step in the commissioning process was then for local PCCs to undertake a needs assessment for victim services which was intended to judge current and likely future victims' needs. Some needs assessment reports noted that local agencies were not always forthcoming with the information requested by the Office of the Police and Crime Commissioner (OPCC 2014), and so potentially this could impact the decisions made as to which services are to be commissioned. Some needs assessments also noted that smaller service providers felt that commissioning should not be a purely paper based exercise, as this favours agencies who have access to professional bid writers (OPCC 2014: 19).

In order to 'prove' their success for future commissioning, service providers need to show their success against 'outcome' measures. However setting and measuring outcomes is not necessarily straight forward as Flint (2010) discusses in his work on evaluating projects that work with families with complex needs. The Victims' Services Commissioning Framework itself discusses the types of outcomes that services may be expected to use (Ministry of Justice 2013). Outcomes can be described as 'the changes, benefits learning or other effects that happen as a result of services and activities provided by an organisation which result in sustainable change in user behaviour, condition and/or satisfaction' (Ministry of Justice 2013: 21). PCCs have to recognise the importance of outcome monitoring in their funding structures, and service providers will have to demonstrate that their service is good quality and that it delivers on the outcomes identified (Ministry of Justice 2013). Victim service providers are expected to deliver on two main outcomes, helping victims to cope with the immediate impact of crime, and subsequently to recover (although it is recognised that some victims may not return fully to the life they had). The idea behind measuring outcomes is to improve the service for victims and

demonstrate the real benefits that the service provides. Thus service providers who have previously measured only outputs will, potentially, have to be more creative in setting outcomes and responding to them. One can see the value in shifting from a purely outputs approach, that is one which measures only the volume of activity. However, looking at the large number of agencies listed on a local Victim Care Unit webpage, suggests that the job of reviewing whether services have met their desired outcomes, is potentially complex given that outcome measures between services will no doubt differ.

For the services themselves who have to develop outcomes, there appears to be little advice or information about outcome measurement for victim services, save for Callanan et al (2012a and 2012b). The second Callanan et al report is a resource on outcome measurement and quality assurance in the victim sector (Ministry of Justice 2013). This report advises on a range of outcome measures both 'hard' and 'soft', such as whether a victim has suffered further victimisation or the level to which a victim is less fearful of crime. It also discusses specific types of outcome measurement such as psychometric scales, service user questionnaires and staff reported outcomes. Interestingly for developing bespoke psychometric scales the report advises as follows.

*You might want to develop your own measurement scales to track change for service users. Consider working with, or commissioning, an expert specialising in this area to help you develop the measures'. (Callanan et al 2012b: 14)*

Reflecting back to the comments noted earlier, such expertise may not be easily accessible, and so smaller agencies may be placed at a disadvantage in contrast to larger ones that can afford to employ staff who have expertise in these matters. A similar issue has arisen within the 'Transforming Rehabilitation Agenda' (Plechowicz 2015) wherein Community Rehabilitation Companies now compete for contracts to work with offenders. They are awarded contracts on the basis of payment by results, and so measuring success is a vital part of this process.

A number of issues relating to creating outcome measures are raised (Callanan et al 2012b; Ministry of Justice 2013). For example when is the right time to collect such data, so that victims are treated with respect and sensitivity (Callanan et al 2012b)? This is particularly the case where baseline data is collected initially, followed by interim or 'distance travelled' data to capture change in the short to medium term (Callanan 2012b). The Evidence and Practice Review identified five broad outcome areas for victim support agencies. These are improved health and well-being, increased safety and perceptions of safety, re-integration, feeling informed and an improved experience of the criminal justice system, such as victims feeling supported and informed about their case (Callanan et 2012b).

In collecting outcome data, agencies undertaking such evaluative work therefore need to understand the principles of research ethics, such as informed consent,

protecting respondents from harm, and confidentiality and anonymity, which inherently embraces the issue of storing and managing access to sensitive data. Whilst some larger agencies may engage specialist staff to create and measure outcomes, smaller agencies may have to rely on practitioners undertaking such work alongside their support work, and the resource report therefore advises that staff training will be required (Callanan et al 2012b).

Some outcomes may take a long time to measure, for example a victim returning to work. Indeed this is something that may take place long after the victim has ceased to require support. Other outcomes may be harder to measure, such as emotional recovery and sense of security. This is an important issue, given that there has been little development of standardised instruments for measuring such changes. This may mean that it will be difficult to realistically measure 'like with like' amongst service providers.

Agencies may also need to be wary of identifying outcomes that they cannot feasibly measure, again given the discussion above. They will also need to be careful in developing certain 'hard measures' such as whether the victim has reported the crime to the police. Some victims may not wish to report crime to the police, but nevertheless wish to access support from agencies. Services that support victims who either have or have not reported the crime will need to think carefully how and when to utilise such measures. The issue of 'hard' 'binary' measures was raised by Plechowicz (2015) in her exploration of the impact of 'payment by results' upon services for women offenders. Binary measures as to whether women have re-offended are too simplistic as a measure of success, as the nature of rehabilitation takes in a range of softer 'distance travelled' measures, as noted earlier in relation to victims of crime. Outcome measures need therefore to be appropriate, so that they can be met, and so avoid negative impacts upon services in terms of continued funding and, related to this, issues such as staff demoralisation (Callanan et al 2012b).

A further issue which Callanan et al (2012b) raise is the issue of showing causation within the success of outcome measures. This means that it will be necessary to identify causal factors that may fall outside of service provision. The guidance raises the potential to use random control trials, however ethical issues relating to such approaches are well documented (Farrington and Welsh 2005). Placing the onus to develop outcome measures on agencies, which previously may not have evaluated their service in this way, is then potentially challenging.

Morgan (2012) notes, that the reality for smaller agencies within the commissioning process is that they are bidding for more complex contracts, which they do not always have the infrastructure to support. Local commissioning also results in services being stretched to provide frontline support whilst being expected to monitor performance and tender for bids in order to secure their futures. Hirst and Rinne (2012) raise the real risk that the voluntary sector will be swallowed up by bigger

commercial providers, as they have centralised bid-writing teams who are not preoccupied with the day to day operational issues of the service. Whereas staff in small agencies now spend 'far more of their time on collating and checking, and monitoring performance information for their funders' (Hirst and Rinne 2012, 40). They also rely more heavily on volunteers to provide the service, which can increase the insecurity of service provision (Hirst and Rinne 2012).

Specialist victim services support victims with a complex set of needs, and this may further impact on their ability to develop outcome measures. This situation is mirrored within agencies that support women offenders, where there are smaller numbers of service users, but those service users have a greater range of complex needs. This again impacts upon developing outcome measures, particularly ones that will be able to achieve results that are consistently robust and reliable (Morgan 2012). In line with the point raised earlier, Radcliffe et al (2013) argue that if support services for women offenders are to succeed, rather than being swallowed up by larger agencies such as G4S who have greater resources for developing outcome measures, then investment in monitoring systems and training in their use must be developed. The Transforming Rehabilitation Agenda, under which offender services are being marketised, is then viewed by Gelsthorpe and Hedderman (2012) and Mythen et al (2012) as producing greater risks for smaller specialist support agencies in the competition for funding. The same argument can potentially be applied to the smaller specialist victim agencies, as developing standardised outcomes to measure complex phenomena to demonstrate success on a 'like with like' playing field is difficult.

The move to the local commissioning of victim services is an ongoing dispersal of power which the government of 2010 called for across the board. Under the Localism Act 2011 local councils for example were given a 'general power of competence and can set business rates' (Clayton et al 2015). David Cameron called this a radical devolution of decision making, however the state retains power in that councils are subject to budget cuts by central government, and as a result 'take the flack' from communities for reduced service provision (Smith and Wistrich 2014). One may argue that Local Police and Crime Commissioners are being placed in a similar position, such that whilst they are accountable to the local electorate in terms of how they use resources, they have little control as to the level of funding that the state will provide. Indeed this point was indirectly raised by the West Midlands Police and Crime Commissioner (2013) who discussed the funding formula whereby money is allocated. This is based upon each PCCs' resident population and so means that some areas will be better off than others<sup>2</sup>.

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<sup>2</sup> The report noted that areas such as Warwickshire, which has a large population but fewer victims of crime, compared to the West Midlands which has significantly more victims of crime, would fare better.

For agencies themselves, the idea of greater competition to improve efficiency draws on classical economic theory (Le Grand 2007). However this means that potentially it will be those agencies who are better equipped to respond to the call for funding bids, including designing outcome measures, that will succeed (Clayton et al 2015). This aligns to the point raised earlier in discussing the potential for smaller agencies to compete. Clayton et al (2015) also note that agencies which, in the sphere of local authority contracts, keep costs down temporarily in order to secure contracts, are more likely to achieve success within the bidding process. The danger of this is that costings may then be prioritised over quality/efficiency within the decision making process (Clayton et al 2015).

Tomczak (2014) writes about the *penal voluntary sector* wherein third sector agencies compete for funding from the Ministry of Justice for work that was previously undertaken by the state, and thus illustrates the increased marketization of the voluntary sector. This has become particularly so with the introduction of 'payment by results', to encourage greater effectiveness and efficiency amongst Community Rehabilitation Companies in their work with low to medium risk offenders. Penal voluntary sector agencies cannot resist these neo-liberal reforms, as without independent funding they have no option but to participate (Benson and Hedge 2009). Public funding therefore exerts a 'magnetic pull' (Corcoran 2009) which poses a danger for voluntary sector organisations to become an 'instrument of the state' (Bath 2011). Whilst a direct link between the state and victim services locally is less visible, responses to the initial consultation document (Ministry of Justice 2012a) did raise the issue of victim services being re-shaped or 'watered down' in order to ensure success in the bidding process (Hirst, A. and Rinne, S. (2012). A potential example given was a women only support service having to re-shape its service to include male victims also (Hirst, A. and Rinne, S. (2012). Robinson and Rowlands (2006) and Hester et al (2012) are clear that domestic violence service provision should be gender specific, with the former calling for separate services for heterosexual and homosexual male victims.

Liberty (2012) in their response to the consultation document 'Getting it Right for Victims and Witnesses, (Ministry of Justice 2012a) expressed 'grave concerns' at the prospect of a competitive tendering process at local level, with political heads such as PCCs holding the purse strings. Liberty saw the danger of funding going to services which support more highly visible victims who are likely to make up a significant proportion of the electorate. In this way they see services becoming fragmented and a postcode lottery coming into play. There is therefore no reason to believe that the decisions made by PCCs will be informed by understanding or experience of the delivery of victims' services as opposed to cost considerations or vote-winning strategies (Liberty 2012).

In his account of PCCs, Davies (2014) typologised them as predominantly Police Managers or Crime Reduction Co-ordinators, albeit many of them featured both elements in their approach to role. The importance of this typology is in the way in which PCCs respond to crime. As managers they are potentially more likely to focus

mechanically upon police performance targets and whether these are met, whereas as crime reduction co-ordinators, they may be more likely to work in a more holistic manner. Clearly then this may exert an influence upon the commissioning of victim services in terms of which services commissioners see as beneficial in light of their bent towards either end of the continuum noted above. Davies (2014) also noted the political affiliations of the sample of PCCs that he studied, with 50% identified as Conservative. He speculated that political affiliation may impact on the way in which PCCs undertake their role, with a Conservative affiliation leading to a narrower (more conventional) view of victims and victimisation. In commissioning victim services this may, as noted previously, result in a more conventional view of crime and the types of agencies/services to be funded, or in 'forcing' multiple agencies offering what may be perceived as the same service to merge/work together. The quote below comes from a Conservative PCC from Davies' sample (2014: 18).

*Actually I could say "well you're not all having the money unless you go for a joint bid and start to work together."* (Conservative PCC 1)

This again links in with the critique expressed earlier wherein agencies may have to re-shape their service in order to secure funding.

Mawby and Smith (2013) discuss the representativeness of PCCs more widely, such that in their work only 15% of those elected were women, and there were no non-white candidates. Some 20% had served previously as police officers and 27% had served as members of Police Authorities. Their conclusion is that PCCs are scarcely representative of the electorate, but rather they represent the two main political parties and/or the establishment from which police and former police authorities are drawn.

A further critique of the political nature of the PCC role is that of challenges to the supposed 'accountability' to the electorate, as such accountability formed a central tenet of the role in its creation (May 2010). Again using Davies' data the majority of PCCs were older (93% over 50 and 63% over 60). The combination of age and for some the tiring nature of the job, has resulted in decisions not to stand for re-election. The accountability of the role of PCC, which has been held as a vital element of the role, has therefore the potential to be undermined (Davies 2014, 29). Gilling (2014, 95) adds to this, discussing the 'putative technology' adopted by the Coalition in employing 'electoralism' to bring about democratic localism. This 'electoralism' has been questioned in terms of issues such as public awareness and the appreciation of the role of the PCC, particularly in terms of the level of turnout when the election of PCCs took place<sup>3</sup>. Indeed even prior to PCCs being elected the responses

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<sup>3</sup> The turn-out for the PCC elections in November 2012 was exceptionally low. It ranged from just 11.6 per cent in Staffordshire, to 19.5 per cent in Northamptonshire, and averaged 15.1 per cent across England and Wales (House of Commons and Home Affairs Committee (2014)).

collated by the MoJ to the idea of local commissioning of victim services showed that the majority of voluntary sector agencies (136 out of 196) did not agree that the PCC was the best role holder for the job (Ministry of Justice 2012b).

Further critiques relate directly to the shift in funding away from Victim Support. Victim Support in their written evidence to the House of Commons Report (2014) highlighted that their 94% victim satisfaction rate was based on a service wherein the 5600 volunteer staff undergo robust centrally provided and quality assured training. Indeed those 5600 volunteers provide more than £21m value through their work. The potential is then raised for significant numbers of Victim Support volunteers to leave the voluntary sector, rather than work for another organisation, particularly the police to whom the new Victim Care Units under local commissioning will be strongly linked. Such an exodus will therefore represent a significant loss of knowledge and expertise. The shift to local commissioning will also have impacts upon paid staff in terms of 'prolonged uncertainty about the future' where short term funding is awarded and has to be re-bid for (House of Commons Report 2014).

A further critique is around data protection, as information regarding victims must be maintained on IT networks accredited to the government's CESG Impact level three, or for domestic violence cases, level four. Victim Support had worked with the police to create a robust infrastructure over the past forty years, culminating in a large investment as the organisation became a single national charity which met the government's (and victims') requirements vis a vis confidentiality/data protection. This then is a further issue that must be resolved, given that a significant number of victims feel that IT systems must be robust (House of Commons Report 2014).

Several developments such as the Victims' Code of Practice, Witness Charter, publicity around the treatment of vulnerable victims and witnesses, and the introduction of the Victims' Right to Review, have potentially raised public expectations around the quality of service that victims receive at a time of great change in terms of the shift to local commissioning of services. This is a potential concern, particularly as a recent HMIC (2014) report noted that current police responses are failing victims. The benefit of having a major player in terms of service provision, such as Victim Support, should not be overlooked. Bradford's work (2011) suggests that contact with Victim Support, which has been largely automatic for the majority of victims of crime, is linked with more favourable views of fairness, and higher levels of confidence in the criminal justice system.

The House of Commons Report (2014) states that many PCCs 'seem to be' taking seriously the responsibility for commissioning victim services, with the potential for 'significant' improvements to be made in the quality of services offered. However the report recommends that HMIC evaluate the situation once PCCs have taken responsibility, and so inform decision making in the second tranche. The report also advocates that HMIC conduct a full evaluation of the move to local commissioning prior to the next PCC elections, and so inform the decisions of the next generation of PCCs (House of Commons Report 2014, 18).

## **Discussion**

This paper has explored the way in which victim service provision in England and Wales has shifted within a brief and recent period of time. Up until April 2015 victims of crime were served largely by automatic police referral to the agency Victim Support and/or the option to seek assistance from a specialist victim service of their choice. As has been shown, a change in government policy dating from 2012 has resulted in the victim support model noted above being dramatically changed, such that politically appointed Police and Crime Commissioners are now responsible for commissioning a range of victim services that meet the needs of victims in their locality. As the paper has discussed, a range of critiques can be brought to this.

A major critique is the political nature of the Police and Crime Commissioner role, wherein he or she is 'democratically elected' and so needs to appeal to the electorate in terms of the decisions taken. This is so, even though as the House of Commons Home Affairs (2014) revealed, the public potentially have little real knowledge of the workings of the Police and Crime Commissioner:

*As the Cambridgeshire PCC put it: "I spent all of my time not asking people to vote for me, but telling people what the job was all about".*

That said, PCCs are still mindful of their electorate's ability to make their voices heard at the next ballot box, and so as the article has discussed there is the danger that they will commission victim services that are more appealing to the local community. The potential for such 'cautious' behaviour is evidenced by the political influences that many elected PCCs exhibit (Mawby and Smith (2013), as well as their previous career experiences. The issue of accountability has also been raised in terms of research showing that PCCs, for a number of reasons, may not stand for re-election (Davies 2014).

A further political influence upon the commissioning process is the cost imperative such that PCCs may offer the 'carrot' of funding, accompanied by the 'stick' of demanding that services re-shape (Hirst and Rinne 2012; Davies 2014). As research shows, this may not be in the best interests of service users (Robinson and Rowlands 2006) and Hester et al (2012). The funding formula in which PCCs are allocated funding for victim services may exacerbate the decisions that will have to be made, and in a sense may leave PCCs subject to adverse criticism if they cannot deliver what their community requires. That said also, the initial needs assessment exercise may not be entirely robust in measuring victims' service needs.

The requirement for service providers to measure their success on the basis of outcomes rather than purely on outputs is a further issue that the paper raises. This requirement is potentially challenging for smaller agencies, which may or may not have the expertise or the time to put into what appears to be the greater demands to measure, monitor and report on their performance. Alternatively smaller agencies may end up using more of their time and resources than they can realistically afford, and so find that this eats into their frontline work. A further issue related to this is the feasibility of reliable and meaningful comparisons of complex and largely intangible outcomes, such as emotional recovery and sense of security. One may question whether this is possible given that outcome measures are required routinely, and standardised measures have not been made available to agencies. Indeed agencies are being tasked with creating their own measures for their own services. We may then ask whether meaningful comparisons between services can be made on a 'like

with like' basis, given the nature of the victim population and the different locations from which they come.

The ongoing uncertainties for staff and volunteers alike within victim agencies has also been raised. The commissioning process has been developed such that it rests fundamentally upon outcome measurement as an indicator of a good quality service, but again services require the expertise, or access to such expertise, in order to develop measures that are reliable.

A major thrust within the commissioning process has been to break the monopoly that Victim Support has held in terms of receiving ongoing central funding for its core activities, and in being viewed as not only not providing value for money, but also not being required to show that it was doing this. The increasing shift to neo-liberalism and its emphasis upon competition is exemplified within the commissioning process, such that Victim Support will now have to compete alongside agencies that previously have not enjoyed the stable and consistent state support that it once did. There is some level of irony, as Victim Support itself pointed out in 2012 (Victim Support 2012), in that the organisation was encouraged by governments to develop along the lines that it did, in moving from a locally organised and managed service. Victim Support became a single national charity in 2008, and in moving to a more professional 'victim care unit' approach whereby initial referrals were dealt with regionally, became the antithesis of the service that it started out as. Essentially the original model of Victim Support as a network of independent local services would have fitted more easily into the local commissioning approach that is now in vogue. Thus Victim Support, to some extent, is a victim of its own success. Victim Support have also raised the prospect that volunteers, who were recruited and trained by them, may not wish to work for a different service, in the event of Victim Support not being commissioned at the local level. This would result in a loss of expertise and knowledge of criminal justice and victim related issues that Victim Support volunteers possess.

The focus of victim services has also been firmed up in that resources should be directed to victims of more serious crimes, repeat victims and those most vulnerable as being more likely to be a victim or who need assistance in coping with crime and the criminal justice system. Whilst this seems to cover a broad range of victims, the question remains whether some victims will fall through the net. Those victims (for example burglary victims) who previously were the 'bread and butter' work of Victim Support, who were automatically referred to the agency by the police, may lose out in the new scheme of things. The reason being that 'on the face of it' they may not automatically be perceived as meeting the eligibility criteria outlined above. This may have certain implications for confidence levels that the public (and particularly victims) have for the criminal justice system.

The paper has raised a number of questions that cannot be answered fully here, but that give a springboard for future empirical research. It is the intention of the author to undertake such research, and so report further on what will have been the impact of local commissioning on victim services.

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