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Registry Trust Ltd's response to the Cabinet Office's Green Paper "Modernising Commissioning: Increasing the role of charities, social enterprises, mutuals and cooperatives in public service delivery"

Registry Trust was founded in 1985 in order to run the Registry of County Court Judgments, which had fallen into disrepair but was needed to underpin responsible lending.

Now the not for profit Trust quickly and accurately gathers and makes available judgment information from jurisdictions in the British Isles and Ireland as well as running, under contract to the Ministry of Justice, the expanded Register of Judgments Orders and Fines. Judgment data is a significant too for Credit Reference Agencies in assessing creditworthiness.

The original board of the Trust was representative, balancing the interests of lenders, through their trade associations, and credit reference agencies, alongside independent and consumer representatives. A high-level consumer panel was added in 2009.

In 2010 the Trust expanded its membership and appointed a new board of executive and non-executive directors, designed to promote its success and suitability in the third sector and big society, rather than represent interests as before.

Our members include the British Bankers Association, Callcredit, Consumer Credit Trade Association, Dun and Bradstreet, Equifax, Experian, Finance and Leasing Association, High Court Enforcement Officers Association and individual members.

In which public service areas could Government create new opportunities for civil society organisations to deliver?

What are the implications of payment by results for civil society organisations?

The advantages of a payment by results system are clear; government bodies will be able to both set standards and targets for civil society organisations delivering public services while minimising costs by not supporting failing organisations.

However, while payment by results may be suitable for some public services it may not be as appropriate for those organisations where results are not easily quantifiable.



In areas such as education and health, front line service providers point out that a results-driven environment can have damaging effects.

Registry Trust Ltd offers a different model which calls for wider study. Our service is not for profit and it is funded not by the state under any guise but entirely by our customers. These can be divided into two groups: those who buy bulk access to the Register (credit reference agencies, for example) and those who pay to access individual records (mainly consumers using our service trustonline.org.uk). Under the terms of our contract with the Ministry of Justice we reimburse the ministry for its costs in making the information available.

This model represents a significant reduction in risk to the government while our non-profit, public-interest ethos coupled with our commercial acumen is designed to provide the best possible service to the public.

i) Which public services areas could be opened up to more civil society providers? ii) What are the barriers to more civil society organisations being involved?

i) As an efficient processor of Public Sector Information whose output brings great benefit to commerce (lending in particular), Registry Trust demonstrates the benefits available to government should it open up more public sector information to civil society providers which act in the public interest.

Registry Trust can provide strategic leadership in this area. Christopher Roper, founder of Landmark Information Group (another leader in the use of PSI) now sits on Registry Trust's board. We have organised a series of thought leadership discussion on the subject of "Information and the Healthy Economy", the first of which took place in November 2010.

It was agreed that PSI could be a key growth driver for the UK and civil society organisations, as intermediaries between the public and private sectors, are well placed to provide the impetus for this. Those data sets which are currently under- or unused could be contracted out to civil society organisations, which in turn have the time to interpret, analyse, and present the raw data in a way that is commercially attractive.

ii) Becoming a public service provider is far from a straightforward process. Even after 25 years Registry Trust is still changing and adapting to find the most efficient means of delivery. Recently we have introduced a high-level consumer panel to



ensure that those views are represented to the board. Our membership has been extended to give a strong voice to customers and the interested public. Over this time RTL has developed a track record of adaptability and flexibility in managing the changing needs of stakeholders.

The members of the consumer panel are Helena Twist (chairman), Catherine Elliott, former solicitor and active volunteer, Tom Horwood, head of communications at East Hampshire District Council, Mick McAteer (Financial Inclusion Centre and FSA board member) and Samantha Nurse (Citizens Advice).

RTL has worked to become a trusted intermediary. The information we provide must be as precise and accurate as the information we receive from government bodies and then at a speed and in a form which is easy to use. Being a service provider RTL must balance the demands of stakeholders such as government departments while at the same time providing excellent service to commercial customers and the general public.

This exercise intends to give consumers more choice in public services, but all of those choices must be seen to be as trustworthy as any other governmental organisation.

As an already trusted name with the relevant structure, knowledge and skills in place, Registry Trust Ltd has already overcome many of the barriers that civil society organisations will face. We stand ready to take on further tenders that will allow us to use our expertise for the public good.

Another intention is to give more power to local communities. However, care must be taken that the benefits of shared information are not lost. Consumers may feel part of one community, for example, at their home address and another at work. RTL has a long experience of operating a distributed geographic network as well as centralised national provision and will be happy to share its experience in overcoming this type of barrier.

The public services would benefit from a department by department review of all activity, identifying which operations could not be undertaken by civil society organisations for legal, security or other substantial reasons. All the remaining activities should then be assessed for suitability for outsourcing to suitable organisations with a presumption they will be transferred unless there is a good reason not to.



Should Government explore extending the right to challenge to other local state-run services? If so, which areas and what benefits could civil society organisations bring to these public service areas?

There are a number of information streams proceeding from the machinery of government (including the Register of Judgments, Orders & Fines) that are by their nature unique, irreplaceable by a competitor. These include, for example postal addresses, planning applications, vehicle licensing details, and company returns. These information streams are vital to the working of government and the economy at large. They are “natural monopolies” and in managing their dissemination, the government needs to take a number of factors into account:

These include: sustainable funding to ensure data quality; personal privacy; fair competition (where the information underpins other businesses); and a good deal for the tax payer. For the past half century, successive governments have funded these information flows in one of two ways, either by charging a registration fee to those who contribute to the information flow by depositing or changing information (e.g. HM Land Registry, the DVLA or Companies House), or by selling the information to all-comers (e.g. the Met Office, Ordnance Survey and Royal Mail).

The latter mechanism seems to us to be sub-optimal where natural monopolies are concerned, as inevitably some socially useful ways of using or re-using the data are excluded, as the Agencies concerned are encouraged to price data to maximize revenues rather than maximize usage. We believe there are a number of areas, including, for example, the creation of a National Address Gazetteer, where a not-for-profit intermediary, constituted on similar lines to Registry Trust might have offered a less contentious and more societally defensible solution than the joint venture between Ordnance Survey and the Local Government Association that is currently proposed.

Are there types of assets whose viability when transferred to civil society management or ownership would be particularly dependent on a continuing income stream from service contracts or public sector tenancies?

Any asset, which through neglect after its transferral to civil society management or ownership could damage the public interest, should have failsafe measures included in the commissioning process to ensure this cannot occur.

In the case of the Register of Judgments, Orders & Fines, the contract with the Ministry of Justice includes specific conditions. However, that contract only covers England and Wales; in other jurisdictions RTL has demonstrated the benefits of not-for-profit provision to a range of government entities, which allow the Trust access, and it guarantees the future through its principle of high purpose.



Where, for example, legislation does not protect the consumer to the same extent in other jurisdictions, we have ensured that the same privileges are given at our own expense. For example, the Act of 1852, which established the Register of County Court Judgments, did not include Scotland and Ireland. RTL has worked to bring them equivalent benefits by collecting decrees and judgments from courts. As a result this information is easily accessible to benefit consumers.

Our commercial expertise means that we have been able to identify and expand into new areas, such as ACAS enforcement, tribunals and new jurisdictions while our structure and ethos ensures that the public good is always the first consideration.

In the case of Public Sector Information, data protection issues become paramount, especially when dealing with multiple jurisdictions. It is necessary to build knowledge and relationships with Data Protection Commissioners.

Much depends on Government deciding what it hopes to achieve by such transfers (e.g. Saving money for the taxpayer; Making a service more accountable to its users; or Delivering a more efficient solution etc), and then ensuring that the civil society organization to which the asset is being transferred is constituted in a way that offers a solid prospect of delivering the intended outcome.

How can we encourage more existing civil society organisations to team up with new employee-led mutuals?

Registry Trust Ltd has 25 years of experience in delivering public services through private means. Our model has been refined and tailored over this time to meet changing requirements of Government, the public and commercial customers. We stand ready to offer our experience to groups of employee-led mutuals looking for guidance in this area, in particular those concerned with Public Sector Information or located in the Ministry of Justice.

RTL has an understanding of UK and EU procurement procedures and how they can best be undertaken by a civil society organisation. This type of first hand experience can be passed on to other organisations looking at this path in the future.

What other methods could the Government consider in order to create more opportunities for civil society organisations to deliver public services?



The Government needs to address the risk-averse attitude of any civil servants who may be unwilling to think outside of their remit to solve a problem or create an opportunity.

Departmental champions need stronger responsibilities and a higher profile. We carried out a recent straw poll and only at MoJ could a switchboard name its champion or pass an enquirer through.

Each champion should make a public annual report to be examined both at a public hearing and by the National Audit Office as part of its proposed new remit.

In the information sector, with which RTL is concerned, it would be helpful if the Core Public Task of executive agencies was better defined. This would highlight areas that might be opened to provision by civil society organisations.

Champions should both advocate the third sector within their respective departments and work to attract bids from civil society organisations.

How could Government make existing public service markets more accessible to civil society organisations?

Not every civil society organisation will follow one model. Each will find its own way to deliver public services according to its own circumstances and locality. However, lessons can clearly be learnt from those organisations which have been in their situation before.

Registry Trust required an innovative approach. It has constantly adapted and altered its form to best serve its purpose.

While Registry Trust's model is unique in some ways, there are clearly facets of our experience in providing a public service which could be invaluable if passed on to others to help make public service markets more accessible.

Opportunities for Third Sector provision of public services are plentiful. The willingness and expertise to deliver is hindered by a general unwillingness among government bodies to discuss potential opportunities for fear that this lies outside their general remit.



Our informal survey of ten government departments found that eight out of ten did not know who their third sector champion was. Only the Ministry of Justice could give a name on the switchboard. None would give a direct contact number.

This lack of a direct channel for third sector bodies to use in their approach to government bodies is a clear impediment to their increased provision of public services.

This could be overcome using one central team or through transparent instructions on departmental websites. Uniform job titles across departments so that the appropriate person can be easily contacted would also help.

What issues should commissioners take into account in order to increase civil society organisations' involvement in existing public service markets?

How can commissioners achieve a fair balance of risk which would enable civil society organisations to compete for opportunities?

The tender process for government contracts can be complicated and time-consuming.

This represents a risk for SMEs which they cannot afford the man hours and costs involved. Alternatively they focus too much on tendering and not enough on delivery.

Simplifying the process would be very attractive to SMEs and would reinforce the government's initiatives to support the sector currently being championed by Mark Prisk MP. Registering details so that bids can be submitted for multiple tenders using the same profile would also be beneficial.

In the past government has preferred to use a small number of larger companies as trusted suppliers to reduce the amount of time spent comparing multiple bids for tenders. Experience has shown that many of these contractors are better at bidding than at delivering, and that they use the tendering process as a method of excluding smaller, more agile and lower-cost operators.

This approach from the Office of Government Commerce has been to the detriment of smaller companies who would be able to offer value for money in certain contracts, but tend to be more specialised.



A trusted suppliers list for those who have successfully delivered contracts for the government in particular competencies, geographical areas and for which departments would allow government to quickly identify preferred bidders for projects.

Using trusted suppliers would also allow government to reduce their risks.

Registry Trust could oversee the creation and maintenance of such a register and would be happy to discuss this with officials.

In the implementation of the abovementioned measures, what issues should the Government consider in order to ensure that they are fully inclusive of civil society organisations?

We have no comment.

What issues should the Civil Society Red Tape Taskforce consider in order to reduce the bureaucratic burden of commissioning?

We have no comment.

What are the key issues civil society organisations face when dealing with TUPE regulations and what could government do, within existing legislation, to resolve these problems?

We have no comment.

What issues should Government consider in order to ensure that civil society organisations are assessed on their ability to achieve the best outcomes for the most competitive price?

Essentially, Government faces the same issues as an investor (venture capitalist) assessing a project. Experience shows that the key factor is management, and that the best way of assessing a management team is to look at its past performance. Have members of the team previously worked successfully together to deliver promised outcomes? What is their reputation within the industry/sector in which they have worked? Beware of shiny packages with little verifiable content.



What issues should Government consider in the development of the Big Society Bank, in order to enable civil society organisations to take advantage of public service market opportunities?

Make sure that those charged with managing such a bank have experience of evaluating business plans; make sure that the desired outcomes and criteria for investment are clear; eliminate conflicts of interest, whereby those charged with managing the bank have direct or indirect interests in parties receiving funding (this is harder than it may seem); make sure that this doesn't become an unaccountable job-creation scheme soaking up problems created by slimming the public sector.

What issues affecting civil society organisations should be considered in relation to the extension of the Merlin Standard across central government?

We have no comment.

What barriers prevent civil society organisations from forming and operating in consortia? How could they be removed?

The barriers are not so very different from those facing private sector entrepreneurs from starting businesses. The early hurdles are 1) The time and skills to develop a credible business plan; 2) Seedcorn funding to prove the concept (avoiding an all-or-nothing jump into the unknown); 3) Capital to fund operations to break-even. Social entrepreneurs should not be liberated from all risk, but there needs to be a credible staircase for them to ascend. At present, jumping the three hurdles described above is simply too difficult.

As mentioned above, Registry Trust has made public its offer to form a consortium to help Ministry of Justice staff to set up their own mutuals. Our experience and staff skills are easily transferable and consortia of this type can create opportunities for joint future opportunities.

How could commissioners use assessments of full social, environmental and economic value to inform their commissioning decisions?

We have no comment.



How could civil society organisations support greater citizen and community involvement in all stages of commissioning?

We have no comment.