

Consultation on Green Paper: Modernising Commissioning

Pre-school Learning Alliance

4th January 2011

General Comments

- Large organisations with local structures should not be excluded as they are offering a Locality Based/Managed service
- Clarity on what Local Authorities need to purchase will lead to stronger contracts with a better mutual understanding of what services are required.

Sub Question 1 Page 9 – What are the implications of payment by results...

- Challenge to cover the costs of the organisations until results are achieved and to meet upfront costs – bigger impact on smaller organisations/newly developed mutual's etc
- Difficult to estimate the impact of innovative work and to set achievable targets.
- Issues about monitoring and measuring outputs

Sub Question 2 Page 10 - Which public services areas could be opened up to more civil society providers? What are the barriers to more civil society organisations being involved?

- Family Support
- Re-settlement work with Prisoners and Families

Barriers

- The emphasis seems to be on small, local organisations – barriers to getting 'contract read'
- Management issues – duplication of management costs
- Understanding the procurement processes for small enterprises

Sub Question 3 Page 10 - 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?

Benefits

- Non stigmatised service
- People better engaged in development of services
- Better understanding of local issues

Sub Question 4 Page 11 - 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?

What are the main barriers that prevent civil society organisations taking over asset-based services?

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- Key issues is length of funding and risk to the organisation
- Short term funding (3 year) stifles the motivation to improve assets
- Risk of failure/loss of funding puts organisations at risk if committed to assets e.g NOF funded capital build.

Sub Question 5 Page 11 How can we encourage more existing civil society organisations to team up with new employee-led mutuals?

- In rural areas in particular, more multi-agency working is important – quite often there are not enough users of an individual service in a village or area to make it financially viable. For example, a new library can encompass Adult Learning, Registrar, and even a Baby and Toddler group.

Sub Question 6 Page 12 - What other methods could the Government consider in order to create more opportunities for civil society organisations to deliver public services?

- Clear directives to Local Authorities
- Ring Fenced Funding
- Multi use of facilities in rural areas
- In rural areas, providing the transport to a central location, rather than lots of smaller facilities.

Sub-Question 7 Page 13 What issues should commissioners take into account in order to increase civil society organisations' involvement in existing public service markets?

- Clarity about what is to be procured
- Stream line PQQ
- Longer lead in times
- Local involvement in deciding what should be commissioned
- To involve people, a 'community model' where people come together to work on a specific issue which affects them, and disband once the need is met or the issue resolved.
- Simplicity, so that participants understand the procedures and deadlines involved.

Sub- Question 8 Page 14 In the implementation of the abovementioned measures, what issues should the Government consider in order ensuring that they are fully inclusive of civil society organisations?

- CSO involvement in planning services
- Engagement with the sector at Local Level to plan local services – utilise existing networks
- Simplicity, so that participants understand the procedures and deadlines involved

Sub-Question 9 Page 14 What issues should the Civil Society Red Tape Taskforce consider in order to reduce the bureaucratic burden of commissioning?

- Training for front line commissioning officers so that they understand the legal position with regard to contracting and employment law

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- Much clearer descriptions of what is to be purchased which will ease the cost of managing the contract both from the perspective of the buyer and the service provider.
- Standardising PQQ and tender processes
- Establishing agreed timescales for commissioning

Sub-Question 10 Page 15 How can commissioners achieve a fair balance of risk which would enable civil society organisations to compete for opportunities?

- Core funding will allow smaller enterprises access payment by results funding
- Big organisations with a local volunteer led structure can provide an infrastructure which allows for localism but can still take risk.
- Ensure that larger organisations are compelled to work with smaller local organisations – sufficient time to allow these partnerships in procurement process to be developed.

Sub-Question 11, Page 15: What are the key issues civil society organisations face when dealing with TUPE regulations?

- Conflict between TUPE and use of volunteers needs to be resolved eg if a prospective new service provider is staffed by volunteers, the original staff will nevertheless transfer to the new provider – thereby replacing volunteers with paid staff, with cost and practicality implications.

Sub-Question 12 Page 16 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?

- Knowledge of the community they are seeking to serve
- Sustainability and experience

Sub-Question 13 – Page 16 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?

Sub- Question 14 – Page 17 What issues affecting civil society organisations should be considered in relation to the extension of the Merlin Standard across central government?

Sub Question 15 – Page 17 What barriers prevent civil society organisations from forming and operating in consortia? How could they be removed?

- Competitive tendering environment
- Sufficient time to develop working partnerships in procurement process
- CSO involvement in strategic planning for services

Sub-Question 16 – Page 18 What approaches would best support commissioning decisions that consider full social, environmental and economic value?

Sub- Question 17 Page 19 What issues should Government consider in taking forward the Public Services (Social Enterprise and Social Value) Bill?

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Sub-question 18 Page 19 What role and contributions could civil society organisations place, through Local HealthWatch, in informing the local consumer voice about commissioning?

Sub-question 19 Page 21 : What issues relating to civil society organisations should the Government consider when refreshing the Joint Strategic Needs Assessment Guidance?

Sub-Question 20 – Page 21 How could civil society organisations facilitate, encourage and support community and citizen involvement in decision making about local priorities and services commissioned?

- Development of local management structures
- Seeking local involvement in deciding what is being commissioned – what is right for one area may not be right for another.
- Personal contact leads to higher participation from public.

Sub-Question 21 Page 22 What forms of support will best enable statutory partners and civil society organisations to improve their working relationships?

- Development of local planning forums

Sub-Question 22 Page 22 What issues should the government consider in the development of the future programme of training public service commissioners?

- Employment implications of changing providers – TUPE etc.
- The legal implications of contracts/commissioning
- The impact of short and long term funding
- The true cost of providing services – full cost recovery
- The requirements, quirks and foibles of individual local authority commissioners vary enormously. There needs to be consistency, to avoid having to 'guess ahead' to what the personal preferences of the local authority might be. For example, one local authority recently advised a 'pile it high' approach – *'go beyond the question, don't be restricted by what we ask, attach more than we require, don't worry where information is, we will find it'*; by contrast, another (for identical services) a very strict *'answer the question only'* approach, giving zero marks if information was included but not under the section they required it.
- Do services need to be re-commissioned? Feeling this may be done as a matter of course, leading to uncertainty for employees and users – and often can be the case that the original service provider is selected again.
- Commissioners need to understand the time and financial costs to Third Sector organisations in undertaking tortuous procedures which, to be negotiated, require either staff being removed from duty for prolonged periods, or a dedicated in-house department.
- We have recently been involved with a costly local authority bid in which we were required to travel long distances on several occasions to prepare and present to commissioners – only to discover after the exercise that the marks for our prior

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written submission would already have ruled us out, regardless of the outcome of the presentations! This is unacceptable, and may either display a lack of commercial awareness by commissioners, or their designing a substantial process which they themselves then had difficulty in managing.

Sub- Question 23 Page 22 What can civil society organisations contribute to the roll out of community budgets? What barriers exist to realising this contribution? How can these barriers be removed?

Sub- Questions 24 Page 22 What can civil society organisations contribute to the roll out of Local Integrated Services?
What barriers exist to realising this contribution? How can these barriers be removed?

Sub- Questions 25 Page 23 What can civil society organisations contribute to the development of Free Schools?
What should Government consider in order to realise this contribution?

Sub- Questions 26 Page 24 What contributions could civil society organisations make to the extension of personal budgets across a range of service areas?
What changes do both commissioners and civil society organisations need to make to adapt to an environment where citizens are commissioning their own services?

- Core funding/pump priming will allow CSOs to develop services to meet needs of citizen who have purchasing power.

