

Modernising Commissioning Green Paper Consultation

The Brunswick Centre

NEW OPPORTUNITIES

In which public service areas could Government create new opportunities for civil society organisations to deliver?	
Objective: To drive efficiency, effectiveness and innovation in public services by opening more public service areas to civil society organisations	
1. What are the implications of payment by results for civil society organisations?	<ul style="list-style-type: none"> • May be useful for organisations who can deliver and have a proven track record of doing so • May be an incentive to achieve and meet outcomes • Civil Society Organisations may have limited working capital as a result • BPR may stifle innovation and flexibility as organisations focus on payment and being solely driven by the need to secure income • This payment scheme could detract services from delivering interventions that meet the real and presenting need of the community, therefore they would be hitting the target but missing the point of the aims of the service and what it should be achieving with citizens and vulnerable groups.
2. Which public services areas could be opened up to more civil society providers? What are the barriers to more civil society organisations being involved?	<ul style="list-style-type: none"> • All if not most, including commissioning!? <p>Barriers - dispersed expertise, clear frameworks, competency set.</p> <ul style="list-style-type: none"> • There needs to be an agreed memorandum of understanding which sets all types of providers on an even plain field, this may be challenging to achieve given the lack of compliance with COMPACT by some local areas • Loss of knowledge and skills during transition • Professional closure and vested interest conflict • Perceived de stabilisation of local authority structures
3. Should Government explore extending the right to challenge to other local state-run services?	<ul style="list-style-type: none"> • Yes, if we are going to/are forced to accept a market driven approach as this would support and enhance a 'free and

<p>If so, which areas and what benefits could civil society organisations bring to these public service areas?</p>	<p>fair(er) market approach. Therefore there should be no imitations on what areas can be challenged</p>
<p>4. 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?</p> <p>What are the main barriers that prevent civil society organisations taking over asset-based services?</p>	<p>Yes, residential homes and day centres. If it was decided that these services could be delivered in a different way the greatest expenditure will be buildings and accommodation.</p>
<p>5. How can we encourage more existing civil society organisations to team up with new employee-led mutuals?</p> <p>6. What other methods could the Government consider in order to create more opportunities for civil society organisations to delivery public services?</p>	<ul style="list-style-type: none"> • The resistance may come from the new employee-led mutuals particularly (former) public sector workers who are professionals/see themselves as professionals - will view themselves as the experts and this will merely shift the top-down approach from the public sector into a multiplicity of providers creating a disjointed infrastructure of service delivery (e.g. the marketisation of the telecoms and other utility industries which increased choice of supplier (in most cases), reduced (some) prices but leaves the customer overwhelmed particularly when things go wrong) • If lessons could be learnt from the point above and civil society organisations have investment in their infrastructure so that they can secure contacts which means they will also employ some of workers who would be otherwise employed by the public sector this may even things up, for example a nurse or social worker employed by and delivering for a charity or social enterprise would have the same 'professional weight' as a nurse or social worker in a 'new-employee-led mutual organisation.

MORE ACCESSIBLE

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

Objective: To address practical, regulatory, legislative and cultural barriers to market entry in existing markets, with a particular focus on barriers that affect civil society organisations.

1.	What issues should commissioners take into account in order to increase civil society organisations' involvement in existing public service markets?	<ul style="list-style-type: none"> • Levels of expertise, skills and knowledge • Ability to manage • Full cost recovery • Ability to be flexible and innovative • Vested interest and professional resistance • Local/small vs National/big organisations and how this is balanced to provide a market environment rich with providers
2	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?	<ul style="list-style-type: none"> • Raise the profile and value of civil society organisations • Create a fair and inclusive tender process • Create accessibility to and awareness of the Joint Strategic Needs Assessments • Charity Commission support for charities around awareness of and assistance with alterations to Constitutions vis-a-vis what charities may have been set up to do and are now considering diversifying and/or creating partnerships and/or joining consortia – make the process easier • Ability of charities to hold and/or use their reserves more flexibility and to address the issue of the amount a charity can hold in reserve as suggested by the Charity Commissioners
3.	What issues should the Civil Society Red Tape Taskforce consider in order to reduce the bureaucratic burden of commissioning?	<ul style="list-style-type: none"> • Ensure commissioners stick to the Compact • Agreed monitoring and reporting if more than one commissioner involved.
4.	How can commissioners achieve a fair balance of risk which would enable civil society organisations to compete for opportunities?	There needs to be a clear assessment, identification and documenting of risks by both parties. Ownership for risks must be set out in the heads of terms to agree the proportionality of risk, and where ongoing support can be made available to

	mitigate those outside of a civil organisation.
5. 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?	<ul style="list-style-type: none"> • Needs to be overtly acknowledged in the commissioning process with a proviso that staff TUPEd will have a potential additional cost to a new provider • A main cost can often be staff, and the new incoming provider may bring a different model, which is innovative and does not need the previous level of staff and therefore clearly demonstrating productivity. There needs to be an appreciation that civil organisations need the freedom to do best with what they know is best. Eg. currently the day service is run by employed workers, but a group of local carers want to take this over, in these circumstances there will be two groups of people both who can deliver but with a separate focus and therefore some loss of staff will be required.
6. 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?	<ul style="list-style-type: none"> • Organisations track record set in context • Not limited to financial probity • Levels of expertise, knowledge, skills, understanding and experience
7. 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?	
8. What issues affecting civil society organisations should be considered in relation to the extension of the Merlin Standard across central government.	
9. What barriers prevent civil society organisations from forming and operating in consortia? How could they be removed?	<ul style="list-style-type: none"> • Sector 'politics' • Loss of identity • Constitutional and/or mission statement constraints • Organisational ethos • Rewarded and valued for consortia working • Equality of recognition for those operating in consortia

VALUE

How could commissioners use assessment of full social, environmental and economic value to inform their commissioning decisions?	
Objective: To enable commissioners to make strategic commissioning decisions on the basis of a full understanding of the social, environmental and economic impact.	
1. What approaches would best support commissioning decisions that consider full social, environmental and economic value?	<ul style="list-style-type: none"> • Compact compliant • Build elements of social, environmental and economic value in to the Compact so that they are signed up to by both those commissioning and those providing • What impact on local employment a commissioning decision may have • Build into commissioning, elements of the Big Society eg a proportion of any Contract to provide opportunities for volunteering within a commissioned service and/or how each provider gives back to the community(eg by giving meaningful volunteering opportunities to local people/sharing or making premises available to others when not in use by the service)
1. What issues should Government consider in taking forward the Public Services (Social Enterprise and Social Value) Bill?	

CITIZEN AND COMMUNITY INVOLVEMENT

How could civil society organisations support greater citizen and community involvement in all stages of commissioning	
Objective: To enable civil society organisations to support and facilitate the increased involvement of citizens and communities in commissioning	
1. What role and contributions could civil society organisations place, through Local HealthWatch, in informing the local consumer voice about commissioning?	<ul style="list-style-type: none"> • Act as a gateway to people/service users/patients particularly those people which services find it hard to deliver services to
2. What issues relating to civil society organisations should the Government consider when refreshing the Joint Strategic Needs Assessment Guidance?	<ul style="list-style-type: none"> • Ensure they are aware of it and how they can feed into it
3. How could civil society organisations facilitate, encourage and support community and citizen involvement in decision making about local priorities and services commissioned?	<ul style="list-style-type: none"> • Act as a gateway and advocate for and with people • Could form part of their quality assurance approach when delivering services
4. What forms of support will best enable statutory partners and civil society organisations to improve their working relationships?	<ul style="list-style-type: none"> • Mutual understanding of each other and each others needs • Clear, transparent and honest approach with due process around commissioning and de-commissioning
5. What issues should the government consider in the development of the future programme of training public service commissioners?	<ul style="list-style-type: none"> • Back to the floor training so commissioners can get a feel for what is happening on the ground and within provider services • Understating of best and added value broader than financial added and best value
6. What can civil society organisations contribute to the roll out of Local Integrated Services? What barriers exist to realising this contribution?	<ul style="list-style-type: none"> • Local knowledge and expertise and local problem solving approaches in the areas they operate • Engagement of local people/communities/communities of interest • Barriers – resources available and another thing to do in

<p>How can these barriers be removed?</p>	<p>a time of change</p> <ul style="list-style-type: none"> • How removed – ensure resources are made available and allow time for civil society organisations to get involved
<p>7. What can civil society organisations contribute to the development of Free Schools? What should government consider in order to realise this contribution?</p>	
<p>8. What contributions should civil society organisations make to the extension of personal budgets across a range of service areas?</p> <p>What changes do both commissioners and civil society organisations need to make to adapt to an environment where citizens are commissioning their own services?</p>	<p>Civil Society organisations can influence the thinking but there needs to be some independent body or forum where debates can be hosted and all the evidence discussed before decisions are made, so they are done so with appreciation of and with the views of those who will be in receipt of these services.</p> <p>There will be a clear need for commissioners to establish tariffs for services, to guide the price, quality measures and to provide citizens with user friendly information to assist them to make the necessary decisions about who should provide their services.</p>