The Lesbian & Gay Foundation's response to 'Modernising Commissioning'

December 2010

1. The Lesbian & Gay Foundation (www.lgf.org.uk) will respond to the questions in the green paper incorporating any likely impact upon itself and its lesbian, gay and bisexual, and trans (LGB&T) service users. The Lesbian & Gay Foundation is a vibrant charity committed to achieving more positive outcomes for LGB&T people, with a wide portfolio of well-established services and new initiatives. The LGF is also the lead organisation of the Department of Health funded National LGB&T Partnership.

2. The Lesbian and Gay Foundation is based in Manchester, and supports over 40,000 lesbian, gay, bisexual and trans (LGB&T) people each year. In addition to a wide range of health and advocacy services, it also undertakes research, information provision and policy campaigning on a national scale. As a result, the Lesbian & Gay Foundation provides more direct services and resources to more LGB&T people than any other organisation of its kind in the UK. The LGF is reported by service users to be one of the first points of contact for them when they have been at a crisis point in their lives. We campaign for a fair and equal society where all lesbian, gay and bisexual people can achieve their full potential, and our mission is: 'Ending Homophobia, Empowering People'.

General Comments

3. The Lesbian & Gay Foundation supports and welcomes the focus of the need for commissioning to 'reach disadvantaged groups in society.' (pg 5) The challenge is how this will work in practice, to ensure that all protected characteristic groups, including lesbian, gay, bisexual and trans people, are included within the commissioning processes and priorities. This is particularly challenging as local data is often not captured for LGB&T communities, which results in LGB&T people's needs not being captured in a detailed way within local needs assessments. Encouraging all organisations to monitor sexual orientation, and ensuring the LGB&T community itself is involved in producing community needs assessments, is important in identifying the needs of LGB&T people at a local level.

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

4. All public services should be able to demonstrate at least a consideration of the role civil society organisations can play, whether through delivery or in an advisory capacity. Key areas of public service delivery that can be very effectively delivered by civil society organisations, such as the Lesbian & Gay Foundation would include public health promotion and/or preventative work and mild to moderate health and social care work. The LGF's links with its target marginalised group (LGB&T people) means that it can utilise this trust and community connection to effective deliver quality community based and led services. Often these services can be delivered holistically (as one stop shops) providing excellent value for money.

5. LGB&T people's commissioning needs are not widely known or understood, whether in terms of making mainstream services more accessible or specialist provision where needed. In order for public services and the Government to better understand and meet the needs of LGB&T citizens a partnership approach should be taken by working with and supporting LGB&T civil society organisations such as the Lesbian & Gay Foundation, who can help public services and Government to understand and meet the needs of LGB&T citizens.

6. For example, such work may include the extension of the Department of Health funded National LGB&T Partnership, which is developing a network of LGB&T service provider organisations to act as a strategic partner for the Department. Other Government Departments could make use of the National Partnership, bringing down costs for each Department involved and allowing LGB&T service delivery organisations a voice at a strategic level in Government and providing Government much needed expertise in the area of LGB&T needs. The Lesbian & Gay Foundation welcomes the Government's aspiration for the UK to remain a world leader in LGB&T rights and equality of opportunity, and is enthusiastic about being a full partner on that journey.

7. Because the level of current investment in LGB&T civil society organisations is so tiny (0.03% of total charitable income goes to LGB&T

charities), the provision of a very modest investment to cover the 'core' costs of LGB&T civil society organisations would have a massively beneficial impact on the sector and would empower it to help Government and local public services to better discover and meet the needs of LGB&T citizens. The Lesbian & Gay Foundation focuses the majority of its service delivery in preventative activities which contribute to LGB&T people's good sexual, mental and physical health, ultimately saving the NHS and other public services money in the medium and long terms. The Lesbian & Gay Foundation would welcome a more widespread awareness of the importance of its work and other partners in the LGB&T sector nationwide, throughout central Government and local public services.

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

8. Transitional funding would need to be considered to protect organisations from the gap between current arrangements and PbR. The Lesbian & Gay Foundation focuses the majority of its service delivery in preventative activities which contribute to LGB&T people's good sexual, mental and physical health, ultimately saving the NHS and other public services money in the medium and long terms. For smaller civil society organisations to capture the full results and benefits of these preventative activities they will need support and assistance from the public sector.

9. The problems LGB&T CSOs face in demonstrating their value is further exacerbated by the lack of sexual orientation and gender identity monitoring of public service users – for civil society organisations working to support LGB&T people the lack of information about LGB&T people's issues and needs is a major barrier to discovering and meeting those needs, and makes PbR difficult to devise for a section of the community who are largely ignored by central Government datasets, the 2011 Census and local public service monitoring data.

10. PbR is a good idea in principle, but the cost of developing and implementing such systems needs to be considered when deciding what balance will be struck between PbR and more traditional payment mechanisms. The tiny cash reserves some LGB&T civil society

organisations have may require some payment for outputs to remain in place.

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

11. The complexity of current tendering and procurement process is a significant barrier to more civil society organisations being involved with the delivery of public services. Contracts and contracting arrangements are often highly complex, and place a considerable administrative burden on CSOs.

12. An unintended consequence of the likely proliferation of smaller scale commissioning bodies represents a challenge for CSOs such as the Lesbian & Gay Foundation that serve a community of interest that is spread over a relatively large geographic area. Specialist LGB&T services are extremely vulnerable to changes and reductions in public sector funding, and these services are rarely funded at a purely local level. The drive to local level commissioning must be tempered by the recognition of the fact that specialist services provide cost saving and cost effective services to marginalised people which could be lost if local commissioning dominates.

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?

13. The right to challenge should be extended, especially in community based holistic preventative activities, such as those provided by the Lesbian & Gay Foundation: wellbeing services (counselling, short-term interventions, telephone and web-based support), condom provision to high-risk groups such as gay and bisexual men, confidence and employability training. All these are more effective for LGB&T people when targeted specifically at their needs as LGB&T people. The Lesbian & Gay Foundation counselling service 'Face2Face' was recently highlighted as an example of best practice in the recent public health white paper.

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

14. The role for LGB&T civil society organisations is much broader than delivery of services. Good quality, local services that LGB&T find accessible would be easier to establish if local service providers were expected to engage with local LGB&T civil society organisations. This engagement needs to take place in a financially sustainable way for all stakeholders. LGB&T issues and needs have been overlooked, and the greater involvement of (often mainly volunteer driven) LGB&T civil society organisations at strategic and operational levels is a cost effective solution.

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

15. Any tendering or commissioning process should consider how services will be delivered to communities of interest (e.g. lesbian, gay, bisexual and trans people). Often these can be 'hard to reach' by traditional public service organisations and most effectively accessed by civil society organisations such as the Lesbian & Gay Foundation. It is therefore essential that public service markets make provision for such communities at an appropriate scale that civil society organisations are able to deliver.

16. The commissioning and procurement process needs to be simplified for civil society organisations. Current contracts are very complex and the tendering process is overly bureaucratic. The Lesbian & Gay Foundation would like to see a pragmatic approach taken to model contracts with community providers. Requirements for performance measurement and management should be proportionate and not 'one size fits all'.

17. Contracts for community providers would ideally include full cost recovery. It should also be recognised that the involvement of civil society organisations in itself is a capacity building function and that contract timescales should be a minimum of three years, but preferably more.

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

18. LGB&T civil society organisations are likely to be extremely small and underfunded (there are only about 30 charitable LGB&T organisations/projects in England with one or more paid staff members) so the issues already identified regarding the commissioning process are likely to be magnified for the LGB&T sector. Larger organisations, such as the Lesbian & Gay Foundation should be supported to lead consortia, and involve smaller LGB&T civil society organisations when delivering lager scale projects/services. This means introducing greater flexibility and innovation into contracts and the procurement process to allow to smallest organisations to participate as part of a flexible consortium.

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?

19. The Lesbian & Gay Foundation welcomes the abovementioned measures. The relative resources of different civil society organisations needs to be better understood by Government, especially with regards to the LGB&T sector. There needs to be more consultation with the LGB&T sector, for example civil society organisations should be encouraged to comment on procurement process and on new approaches like the new core PQQ. The procurement process should be designed in partnership with civil society organisations, both large and small.

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

20. The ability for commissioners to commission across a number of local areas should be protected and encouraged, as LGB&T specialist services tend to draw their service users from a large geographic area. The Lesbian & Gay Foundation's own intelligence indicates that LGB&T people are willing, and often prefer, to travel to access quality LGB&T specialist services.

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

21. Risk needs to be proportioned fairly, and in discussion and consultation with prime and sub-contractors. Greater flexibility in sub-contractor and consortia arrangements would assist with this. Sometimes in these circumstances, commissioners want to know event detail of how such arrangements will work before the contract has been awarded. This can be difficult to ascertain, and stifles innovation opportunities 'in-contract'.

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?

22. 'Best outcomes' needs to be understood not only as 'best for the widest section/majority of the population' but also 'most likely to address longstanding and entrenched inequality of opportunity for marginalised groups' such as LGB&T people.

23. Competitive price is also a potentially problematic term as unique, innovative LGB&T specialist services may be disadvantaged when no comparable services has ever existed before. Best value may be a better term, particularly where that value is holistic, and takes account of wider social value, especially when the needs of marginalised communities are being met.

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?

24. The existing social finance intermediaries mentioned in the green paper must be able to prove their commitment to LGB&T inclusivity in their funding programmes, in order to be suitable distribution mechanisms for the Big Society Bank (BSB). Specific reporting of the schemes/projects funded by the BSB that have some LGB&T element would be welcomed given that the Equality Act 2010 has recognised the disadvantage related to being a lesbian, gay, bisexual or trans person. This would fit in with the Government's transparency agenda, and would assist LGB&T people and civil society organisations to hold the Big Society Bank to account. As one of the most visible new funding opportunities available at a time of severe

cuts and falling public donations, it is absolutely essential that the Government gets the BSB right for LGB&T people and civil society organisations.

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

25. The Lesbian & Gay Foundation welcomes the principle of the Merlin Standard, and advises that it should be developed in partnership with private sector prime contractors and smaller LGB&T civil society organisations.

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

26. The establishment of consortia and bidding processes should recognise the 'added value' which voluntary organisations can provide, such as the economic cost effectiveness of volunteers and the knowledge and skills assets. For example, if a charity runs a counselling service this could not only achieve health improvements but also support unemployed LGB&T people to move into employment.

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

27. The identification and establishment of commissioning new services needs to include as a minimum equality impact assessments, but as best practice, should involve community needs assessments that actually consult the local communities involved.

28. All civic society organisations need to demonstrate their inclusiveness for all the protected characteristics. Commissioners should use assessments of full social value by:

- Using data available which identifies the (health) inequalities faced by disadvantaged groups
- Using scoring criteria for commissioning decisions which includes not only economic drivers but also a measure of social value

29. Where evidence indicates significant (health) inequalities which disproportionately affect specific communities (either geographically or of interest) then it should be clear as to how resources will be allocated to address these.

30. Social value is an important component of the value civil society organisations such as the Lesbian & Gay Foundation can add when delivering frontline services, or when advising local or central Government to deliver mainstream services in a way that is more LGB&T inclusive.

31. In order for the Big Society to succeed, commissioners need to broaden their understanding of value to include social value. The Lesbian & Gay Foundation has a growing number of highly dedicated volunteers, so a recognition of the value any volunteer input may have when commissioners are making decisions, would be welcomed. The staff of the Lesbian & Gay Foundation also contribute many unpaid hours in the service of their community in pursuit of social aims which should also be taken into consideration. The continued existence of organisations such as The Lesbian & Gay Foundation which are unique in their strong links to 'hard to reach' LGB&T communities as well as to Government allows a rare conduit of information and support to flow between this group and Government who are often extremely separate. Also the Lesbian & Gay Foundation is reported by service users as to be one of the first points of contact for them when they have been at a crisis point in their lives. This specialised LGB&T crisis support needs to be valued for the life and cost saving mechanism that it is.

32. The Lesbian & Gay Foundation welcomes the Equality Act 2010 and the upcoming public sector equality duty. Inequality due to sexual orientation needs to be recognised as a newer protected characteristic that has not received the level of relative investment when compared to other protected groups. This inequity needs to be addressed.

What approaches would best support commissioning decisions that consider full social, environmental and economic value?

33. Commissioners need to use organisations such as the Lesbian & Gay Foundation to develop the most proportionate and useful measures of social, environmental and economic value. The burden of proof of that

value has fallen, largely solely, on under-resourced smaller scale civil society organisations. The Lesbian & Gay Foundation would like to work in partnership with local public services and Government to develop the tools that can capture the full value of our activities. This will in turn demonstrate to commissioners the challenges civil society organisations have in capturing and fully articulating their added value.

What issues should Government consider in taking forward the Public Services (Social Enterprise and Social Value) Bill?

34. The Lesbian & Gay Foundation welcomes the Public Services (Social Enterprise and Social Value) Bill and has written to MPs to request their support for the Bill. Involving local citizens and communities in determining what constitutes 'relevant' value is a good idea, but commissioners must be explicitly expected to include the viewpoints of marginalised communities such as LGB&T people. LGB&T people continue to be under-represented in all levels of public life from the national down to the local. The Lesbian & Gay Foundation can help commissioners to access local LGB&T people to find out what 'relevant' value means to them.

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

35. The involvement of civil society organisations like the Lesbian & Gay Foundation can help ensure that all protected characteristic groups have an opportunity to be involved in the commissioning process. Acknowledging that people will want to be involved in different ways and working with the voluntary & community sector who have connections with community members to do this, in a variety of ways;

- Seeking views of LGB&T people via targeted communication – LGB&T charities websites, community magazines
- Seeking qualitative views – through focus groups, organised in partnership with LGB&T CSOs

It is also important that consideration is given to the principle of choice. For example we know that community research repeatedly indicates that

the majority of LGB&T people would be more likely to access services if they are delivered by LGB&T specific service providers

36. All communities must be included in community and citizen involvement in decision making, including LGB&T communities. The Lesbian & Gay Foundation has access to physical and electronic networks of LGB&T people that could be involved in the commissioning process. The Lesbian & Gay Foundation has more than ten years of experience in hosting, facilitating and reporting on community consultations on a huge variety of topics from transport to health.

What role and contributions could civil society organisations place, through Local HealthWatch, in informing the local consumer voice about commissioning?

37. The Lesbian & Gay Foundation welcomes and recognises the importance of the Local HealthWatch, but in order for LGB&T needs to be highlighted at a local level; Local HealthWatch organisations need to be able to demonstrate how they are inclusive of LGB&T people. LGB&T organisations, particularly working at a local and regional level, often have information and service user experiences which can help support local needs assessments.

38. It needs to be recognised that local bodies such as HealthWatch may be naturally dominated by the most confident community members who express the most 'mainstream' concerns. Evidence indicates that marginalised groups such as LGB&T people are more likely to suffer poor mental health, for example. This means they may need specialist pathways into consultation processes, facilitated by trusted community CSOs like the Lesbian & Gay Foundation.

What issues relating to civil society organisations should the Government consider when refreshing the Joint Strategic Needs Assessment Guidance?

39. The new guidelines should place a duty on local authorities and health service commissioners to include the views of LGB&T people and civil society organisations (the Lesbian & Gay Foundation has mapped the LGB&T&T CSOs active in the North West) because these views are not likely to have been heard. The Lesbian & Gay Foundation would like to see the guidelines strengthen the public sector equality duty with respect to

LGB&T people. LGB&T people live in all areas of the country, so their needs must be considered by all JSNAs.

How could civil society organisations facilitate, encourage and support community and citizen involvement in decision making about local priorities and services commissioned?

40. All communities must be included in community and citizen involvement in decision making, including LGB&T communities. The Lesbian & Gay Foundation has access to physical and electronic networks of LGB&T people that could be involved in the commissioning process. The Lesbian & Gay Foundation has more than ten years of experience in hosting, facilitating and reporting on community consultations on a huge variety of topics from transport to health.

41. Local priorities must take account of diverse communities' different needs, and local LGB&T civil society organisations can help in identifying those needs. The Lesbian & Gay Foundation has a proven track record in helping public services to reach their LGB&T populations, and consequently improve the lives of local LGB&T citizens. LGB&T people's needs are not widely understood, and are spread over large geographic areas with only a small number of relatively dense populations (although the evidence collected around LGB&T people is so sparse that these are mainly anecdotal or estimated assumptions).

What forms of support will best enable statutory partners and civil society organisations to improve their working relationships?

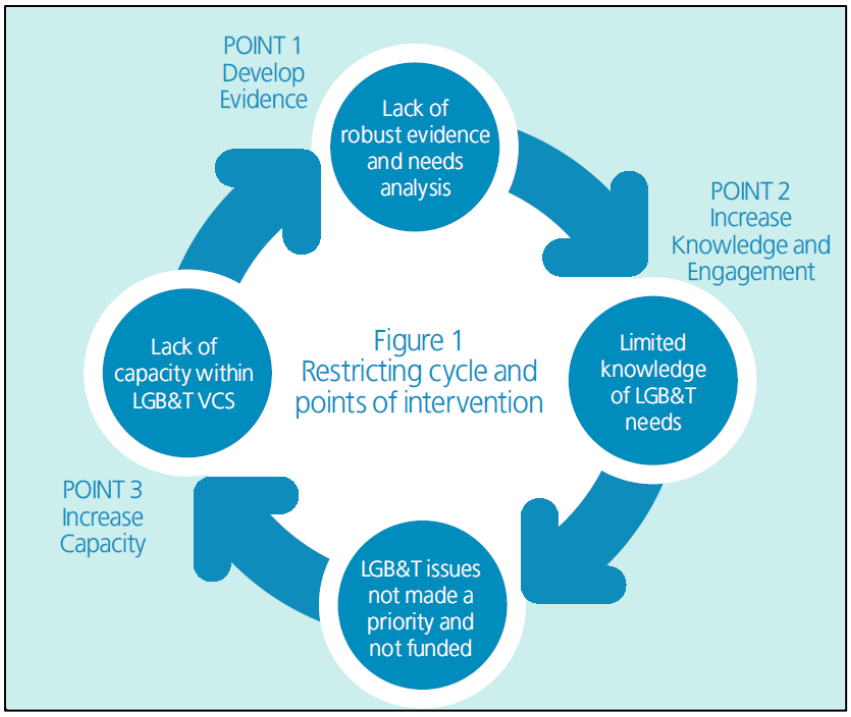
42. The Compact is an excellent tool, but current anecdotal evidence suggest that in these times of deep cuts, public bodies are not using the Compact as a model of best practice in their dealings with civil society organisations. If the Government could put the Compact on a stronger footing this would be massively beneficial for civil society. This would empower CSOs to be able to hold local public services, and central Government to account much more effectively. Government needs to demonstrate its commitment to be accountable to CSOs from all sections of the community, including LGB&T communities.

What issues should the government consider in the development of the future programme of training public service commissioners?

43. There needs to be much greater awareness of the relatively small and unstable LGB&T civil society sector. Public services and Government need to grasp the scale of unmet and undiscovered needs of LGB&T people, and the tiny resources that the LGB&T sector is able to command to meet those needs.

44. Commissioners need to understand that the lack of robust evidence and needs analysis of the LGB&T sector leads to limited knowledge of LGB&T needs, LGB&T issues are then not made a priority and not funded which leads to a lack of capacity within the LGB&T sector, further impairing the ability to collect robust LGB&T evidence. Put another way, this means that the lack of evidence around LGB&T needs leads to a vicious circle of a relative lack of engagement of policy and decision makers and a relatively under-resourced LGB&T sector.

45. This concept is encapsulated by the Lesbian & Gay Foundation's delivery model 'Breaking the Cycle' (launched in 2009, please visit http://www.lgf.org.uk/assets/Uploads/PDFs/Resources/breaking-the-cycle-executive-summary.pdf for more information). This provides a policy framework that we encourage the Government to adopt. The cycle is below:



46. 'Breaking the Cycle' thus identified three key points of intervention to break the cycle which continues to prevent the development of the LGB&T sector and the better understanding of LGB&T needs by public services:

- Develop the LGB&T evidence base
- Increase the knowledge and engagement of policy and decision makers around LGB&T issues and needs
- Increase the capacity of the LGB&T civil society sector

The Lesbian & Gay Foundation would like to encourage Government to consider these three points of intervention in policymaking and service delivery.

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?

47. Community budgets must meet the needs of LGB&T people, and LGB&T civil society organisations should be welcomed and supported to act as advocates and monitors of community budgets. This advocacy and scrutiny role needs to be valued by local public services, and organisations need to be compensated proportionately for their time and expertise.

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?

48. It is highlighted in the Green Paper that 'Local Integrated Services' will start at neighbourhood level. We support this but recognition is needed that this can not be the only solution or approach. For some communities this approach will not work. For example, LGB&T people are more likely to identify as a community of interest rather than a community based on locality – geographical communities. Therefore, in order to create 'Local Integrated Services' a range of innovative approaches are required, including utilising the skills, expertise and community reach of organisations like the Lesbian & Gay Foundation working within the equality field. This could include piloting services for communities of interest in particular localities, or by recognising that commissioning for

some specialist services is most operationally and cost effective when commissioned on a larger geographical footprint than the local.

49. Local Integrated Services is an interesting concept that should be broadened from local neighbourhoods to include 'neighbourhoods of interest' such as the LGB&T community. Holistic and community focused, co-produced approaches could be developed by trusted community CSOs like the Lesbian & Gay Foundation to develop best practice in meeting LGB&T issues and needs which could be used to inform policy and service development elsewhere. Many LGB&T people already use the Lesbian & Gay Foundation as a 'one stop shop' for their service and information needs. It should be recognised that many LGB&T are willing, and may in some cases prefer, to travel out of their local areas to access such high quality, specialist holistic services.

What can civil society organisations contribute to the development of Free Schools? What should Government consider in order to realise this contribution?

50. Free Schools must meet minimum standards of LGB&T inclusivity and respect. The Lesbian & Gay Foundation already operates a highly successful theatre-in-schools project in Manchester called Exceeding Expectations. Young people from all cultures and backgrounds should be able to access same sex relationship and sexual health advice, which could be provided by specialists in the field such as the Lesbian & Gay Foundation.

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?

51. Commissioners and front line workers need to appreciate that LGB&T people may want to commission specialist provision from an LGB&T provider, and be supportive and encouraging of that choice. If specialist organisations are to continue to give LGB&T people the fullest choice possible, commissioners need to support LGB&T organisations; especially given the chronic under-investment and devastating cuts faced by the LGB&T sector and the extent to which LGB&T people are marginalised.