

Modernising Commissioning: Increasing the role of charities, social enterprises, mutuals and cooperatives in public service delivery

UNISON submission

UNISON's role

1. UNISON is the UK's largest public service trade union, representing more than 1.3 million members.
2. UNISON welcomes the chance to respond to the Cabinet Office's green paper, Modernising Commissioning: Increasing the role of charities, social enterprises, mutuals and cooperatives in public service delivery. We have more than 60 thousand members in what is now termed 'civil society'. They are employed by charities, voluntary and community organisations, social enterprises, mutuals, cooperatives and housing associations. These members work in a variety of occupations and professions, including social care, advocacy, campaigning, housing, mental health, primary healthcare and advice. The proposals contained in the green paper will have major implications for all of these members.
3. The green paper is also extremely important to UNISON's wider membership. Most of them work in the public sector, and it seems likely that some of these members may find themselves working for a civil society organisation in the future, if the government's proposals for the reform and shift of public service delivery are carried out.
4. In addition, all of UNISON's members are users of public services. Both as a representative of those 1.3 million public service users, and as a campaigning organisation with a strong belief in the public service ethos, UNISON is very interested in the proposals contained in the green paper.
5. UNISON is also a civil society organisation, and as such we would expect to be fully involved in consultations relating to civil society, alongside other civil society stakeholders.

The consultation

6. UNISON is very disappointed in the limited timeframe given to respond to the green paper; especially as the holiday period falls in the middle of the consultation period. The proposals have the potential to be far-reaching and fundamental, and proper and lengthy consideration is needed by all stakeholders. We do, however, note that "the shorter timeframe will be mitigated by more targeted engagement" (page 8). UNISON must be considered a key stakeholder for the reasons given above, and so we hope and expect to be asked to play a full part in that more targeted engagement.

Definitions of civil society

7. The government has clearly adopted the term 'civil society' so as to broaden the definition of the voluntary sector, further extending the previous government's use of the term 'third sector'. UNISON welcomes this recognition of the breadth and variation of organisations contained outside the public and private sectors, especially the government's commitment to the cooperative movement and employee ownership.
8. However, it is unhelpful, from a policy perspective, to combine organisational types as diverse as social enterprises, employee-owned mutuals and traditional charities in one generic group. The green paper states that the definition includes some organisations "which operate for primarily commercial objectives" because of their role in public service provision. Clearly social enterprises do make profits, with the intention of re-investing those profits in the pursuance of the social, environmental or cultural goals of the organisation, and indeed most conventional charities plan to make some sort of surplus. But the justification for making a profit in both of those cases is related to the broader goal of the organisation; it is not primarily a commercial objective.
9. On the definition given in the green paper, many multi-national private companies should be included in the government's definition of civil society: if they operate primarily for commercial reasons, and they provide public services. Similarly, the paper mentions Joint Ventures, which are likely to be partnerships with profit-oriented organisations. In UNISON's view, 'civil society' should not include organisations which make profits for their own sake. If profits are made by public service providers, and not re-invested in the service, then this represents a subsidy of the private sector by taxpayers, and a lost opportunity to improve those services. This is an inappropriate and inefficient use of public money, especially in a time of severely limited funds, and it seems to be contrary to the government's aims of reforming public services and increasing efficiency.

Commissioning and the role of civil society in public service delivery

10. UNISON has long held the view that if public services are to be out-sourced, the system of commissioning and procurement needs to be radically improved.
11. There is clearly a huge number of civil society organisations that could add value to public services. Charities and other voluntary and community organisations have always played an important role – working with vulnerable people in their communities and advocating on their behalf, identifying gaps in public service provision, developing solutions to those gaps, and working with the public sector to implement those solutions.
12. In recent years, civil society has found itself less and less able to fulfil those roles. While the government spending on the voluntary sector has increased

by a huge amount (in 2009 the government reported a doubling of spending to £11 billion since 1997), the balance of that money has shifted decisively away from grants and towards contract fees. The National Council for Voluntary Organisations (NCVO) reported in 2009 that 65 per cent of statutory funding for the sector came through contracts. This has meant that the voluntary sector has been less able to invest in projects that it thinks will make a difference in society, and has become increasingly tied to the goals and constraints of the contracts put in place by commissioners. Research by Ian Cunningham of Strathclyde University¹, for example, reveals the possibility of 'mission drift', as reliance on the state possibly distorts the goals and actions of voluntary sector organisations. In many of the organisations in which UNISON has members, resources have been shifted away from fundraising, research and policy work, and towards winning new business. Entire levels of management have been replaced by specialists in winning new contracts. And of course, a major part of this process is the constant downwards pressure on costs.

13. This pressure has had obvious effects on the organisations in question. Rather than developing new, innovative services, organisations focus on providing a generic service as cheaply as possible, and the quality of the service inevitably suffers as organisations find it more difficult to attract the best staff. Steve Davies of Cardiff University, in research published in 2009², found a range of voluntary sector representatives who made it clear that this process was harming service quality.
14. From a public service delivery point of view, the real tragedy of the system is that the potential of civil society organisations is not being realised. Often, civil society organisations are best placed to know what the needs and interests of communities are. If that is so, they should be involved in service design, working alongside democratically elected authorities to shape local public services. Putting out a generic tender and then asking civil society organisations to provide that basic service as cheaply as possible is a real social inefficiency.
15. The green paper states that civil society organisations should be able to "challenge the system, rather than waiting until the Government has decided to put something out to tender" (page 16). In UNISON's view, the emphasis on service provision here is wrong. Communities should indeed be able to challenge under-performing services, but the focus should be on improving those services. Tendering processes should not exclude in-house bids; rather, commissioning bodies should encourage challenges which seek to change services, giving an increasing role to staff and users, who after all know more than anyone else how services can be improved. If an organisation is allowed to challenge the system purely so that it can get hold of a service, and if that organisation is allowed to take profits out of that service (see 9 above), then all

¹Cunningham, I. and James, P., False Economy? The costs of contracting and workforce insecurity in the voluntary sector, UNISON, 2007

² Davies, S., Government policy, the recession and the voluntary sector, UNISON, 2010

the process of challenge has achieved is an out-sourced, under-funded service.

16. In addition, while communities clearly need to play a key role in service design, they may not be more efficient providers of the service, even if profits are being removed from the system. Commissioning from the community may result in economies of scale being lost, and the cost of tendering and monitoring many contracts can be greater. For example, in a report on commissioning in the NHS published in 2010, the House of Commons Health Select Committee uncovered a figure of 14 per cent transaction costs brought about by the split between purchasers and providers of care. So the process of tendering and commissioning itself is a drain on public money.
17. Increased transaction costs are not the only likely negative implication of transferring services to communities. The accountability of local services provided by democratically elected local representatives disappears, to be replaced by the wording of a contract, in which most community members will have no say. Important public sector standards, like freedom of information and the public sector equality duties, would no longer apply, leaving open the possibility of services being provided in less transparent manner, or with less regard to equalities issues.
18. If the full potential of civil society is to be realised, it is vital that civil society organisations are not viewed as a way to deliver public services 'on the cheap', as a solution to the wider economic problems the UK is facing.

Government spending cuts

19. UNISON is concerned that as local authorities seek to make the spending cuts required of them by the government, the voluntary sector organisations that they work with will also experience major cuts in their funding. Indeed, a report by New Philanthropy Capital suggests that the cuts in local government spending could mean cuts for the voluntary sector of up to £5.1 billion³. Set against this figure, the Government's £100m transition fund for the sector (the aim of which, according to Civil Society Minister Nick Hurd MP, is to help charities, voluntary groups and social enterprises "take on an even bigger role in this country") will make very little difference.
20. In response to a recent Parliamentary Question about how the Government will ensure that the voluntary sector is not affected disproportionately by local authority cuts, Communities and Local Government Minister Andrew Stunell MP said that he did not "expect local authorities to respond by passing on disproportionate cuts to other service providers, especially the voluntary sector", but he said nothing about how this would be enforced. UNISON already has evidence that the sector is under increasing pressure to drive down costs, often at expense of quality of service and impact on staff. We

³ Preparing for Cuts, New Philanthropy Capital, 2010

know of local authorities cutting contract fees by figures like 15 and 20 per cent, within the term of the contract, with voluntary sector providers forced either to absorb these massive cost reductions, or to walk away from the service. For a genuine shift of power to take place, a shift of resources is also needed; otherwise the aim of improving public services will not be achieved.

Payment by results

21. The green paper asks what the implications of payment by results are for civil society. The Health Select Committee's 2010 report on commissioning in the NHS showed that the payment by results system, in which money follows the patients in the NHS market, threatens to increase transaction costs. It also found that payment by results creates a perverse incentive for hospitals "to generate more activity to increase their income".
22. UNISON is concerned by the example given of the Social Impact Bond. The initiative gives investors a "dividend payment" if a certain target is reached, and no dividend payment if the target is not reached. The dividend payment is "funded by the savings generated in the criminal justice system" (page 10). In UNISON's view, such savings should be re-invested in the public service in question, not paid out as dividends. The fact that civil society organisations may be encouraged to take dividends out of services they provide exacerbates our concerns about the broad definition of 'civil society' (see 9). If a service costs a particular amount of money to provide, then that money should be spent; giving providers a financial reward which is taken out of the overall pot of money available for public spending is not a good use of taxpayers' money.
23. Another, and more underlying, problem with payment by results relates to the difficulty of measuring the results achieved by a public service provider. The reference to 'outcomes' as opposed to 'outputs' is welcome, but even outcomes are difficult to measure. For example, UNISON has members in a mental health charity which prides itself on providing mental health services which focus on service users' well-being. Exactly what determines well-being varies between individuals, and also for the same individual over time. Our concern is that the quality of the work going into making progress in this regard cannot possibly be rewarded by a target-based payment by results system. Organisations which focus on reaching some quantitative threshold as often as possible will benefit; organisations which focus more on qualitative work will struggle.

Setting targets for delivery by civil society

24. The green paper states that the government will look at setting proportions of certain services that should be provided independently. How will these targets be arrived at? It is very difficult to see how these top-down targets would fit in with the notion of communities determining how services are provided.

The rights to challenge and provide

25. The green paper states that the Localism Bill will give civil society organisations and local authority employees the right to challenge local authorities where they could provide services differently or better. However, the green paper itself goes further, stating that consideration will be given to "Introducing new rights for communities to run services, own assets and for public service workers to form mutuals". While the idea of creating mutuals is an interesting one, and one which we discuss further below (see 27-35), in UNISON's view the right for communities to have overall say in service provision exists through the democratic processes involved in electing local authorities. If the meaning of the green paper is that particular civil society organisations will be able to claim the right to provide a service, this will cause massive problems; ultimately, the most important rights should be held by service users, not potential providers. It also presupposes that all communities have common interests, whereas a key role for public authorities has always been to mediate and adjudicate between conflicting sets of interest groups.

Small civil society organisations

26. The green paper cites anecdotal evidence in relation to the barriers experienced by small organisations (page 15). UNISON would be concerned if new public policy was built around a thin evidence base. However, we agree that within civil society, the current system favours those large, more corporate third sector organisations, rather than the small, more community-based organisations, and the latter do need more support if they are to provide services. Use of such organisations is not without issues: the government will need to be careful that small organisations are not given an in-built preference in the bidding system, as this could leave open the possibility of legal challenges; and small organisations are particularly vulnerable to cashflow and other potential financial issues. So any further extension of public services to such organisations will need to be fully and stably funded, rather than as a way of using civil society to reduce public spending on essential services.

Mutuals and cooperatives

27. The green paper discusses encouraging public sector workers to take over the running of services, including by setting up mutuals or cooperatives, and it asks how the government can "encourage more existing civil society organisations to team up with new employee-led mutuals".
28. As the trade union representing more than 1.3 million workers delivering public services in the public, voluntary and private sectors, UNISON is clearly a key stakeholder in discussions about creating employee-led organisations.
29. There are several issues related to the definitions of mutuals and cooperatives, and a clear understanding of these issues, and of the different forms of employee ownership, will be crucial if this work develops. This is not

the place for a detailed analysis of these different forms, but some key dividing lines do need to be highlighted.

30. Firstly, not all mutuals and cooperatives arise from the same sort of origins. UNISON is in favour of organisations which are formed in a genuine, 'organic', manner, with employees taking the initiative from the bottom up to mutualise their organisations. But most experiences of mutualisation in public service delivery so far have been about management taking more control by separating themselves off from a national organisation and calling what they have created "employee ownership" – even though, in most cases, the front-line workers providing the services had little to do with either the original idea or the ongoing management of the organisations (indeed, it is not clear that many public sector workers wish to form mutuals). Such creations will not necessarily represent communities, in the shape of either the employees providing the service or the people receiving the service.
31. As a general rule, civil society organisations work best when they emerge in response to a genuine need in the community; not in response to a top-down government initiative. So it is dangerous to use 'mutual' and 'community' interchangeably.
32. The second key dividing line is the question of ownership. There are clearly different forms of employee ownership. Some 'mutuals' have significant shareholding by investment bankers, whose primary incentive is of course to extract profit from their involvement in the mutual. Organisations such as these rely on this money for their survival, and this will of course influence the direction the organisations take. The extent to which organisations such as these are part of civil society, rather than the private sector, is questionable. Whatever the form of organisational structure and ownership, in UNISON's view the government should only be encouraging organisations to provide services if they have the goal of providing high quality public services as an end in itself.
33. Page 11 of the green paper states that "The Cabinet Office is exploring where public procurement processes allow for staff forming a mutual to be awarded a contract to continue providing services". UNISON agrees that staff currently providing a service in the public sector should be encouraged to continue as provider, but this should not be reliant on the creation of a mutual. Strong in-house bids are another mechanism through which services can be improved, without losing the expertise, commitment and experience of the existing staff, and Service Improvement Plans are another way for in-house services to address quality issues.
34. We do also see opportunities for genuine cooperative organisations to play a role where direct payments for health or social care are in place. The involvement of a cooperative of service users and a cooperative of workers, working together, could deliver positive results.
35. But in the government's new model, whatever the organisational form suggested, any mutual that is created will have to compete in the market, on

the basis of price, with any other bodies that want to bid, including those in the private sector. And the creation of employee-owned mutuals has clear drawbacks for the employees in question. The risk of losing a contract is transferred to the employees, who as a result will stand to lose their jobs, or be transferred to another employer, and who may lose their pensions as a result of the transfer of employment. Workers in civil society organisations have long had to suffer job insecurity and inadequate pension provision, and the transfer of services to employee-owned mutuals would without a doubt increase these problems. There is a need to take into account the impact on the local community of reduced spending and fewer jobs.

Good practice in commissioning and procurement

36. UNISON agrees that if there is to be a procurement process for out-sourcing public services, the system should not unfairly disadvantage civil society organisations against profit-making private companies.
37. In this sense, decent commissioning practices are crucial. UNISON's members in civil society encounter poor commissioning practices with alarming frequency. For example, a voluntary organisation which provides support services for people with learning disabilities successfully bid for a contract offered by a local authority to provide such services. However, when awarding the contract, the authority said that although this organisation submitted the lowest bid overall, there were some sections of the tender for which other organisations submitted cheaper bids. The authority therefore told the organisation they had to reduce their price in those areas, to match those which bid lower. Although the organisation submitted the cheapest bid overall, they were only given the work on condition that they were the cheapest bidder in every section of the tender.

Training commissioners

38. If examples like this are to be eliminated, to give civil society organisations fair treatment, then the "programme of training public service commissioners to work with civil society organisations" (page 22) should indeed be continued, following the lead of the last government. UNISON was involved in the earlier stages of this training, assisting the government in briefing commissioners on legislation, responsibilities and good practice related to employment issues, and we would of course be interested in exploring how this work can be continued.

VAT

39. Another huge problem for civil society organisations will come with the impending changes to VAT. The limited exemptions for VAT will make the impact of the increase in Vat to 20 per cent worse for charities than for most businesses. Charities which do not charge VAT for their services cannot set

off VAT claimed from service users, but they are not exempt from paying VAT on goods they buy. The result is that charities pay more VAT to the government. One large voluntary organisation has reported that the changes will immediately wipe out 50 per cent of their operating surplus. UNISON therefore is calling for the Government to compensate in full those voluntary sector organisations that are affected by the increase in VAT.

TUPE

40. Whatever the form of the civil society organisation, it is essential that further public service provision by civil society organisations is not encouraged at the expense of the rights or employment conditions of the workers who provide the services. The people who work in civil society already suffer from low pay; they are far less likely to have a decent occupational pension; and job security is traditionally much more tenuous in the voluntary sector than in other sectors. These problems already existed before the 2010 Comprehensive Spending Review, as a result of the downwards pressure on costs exerted by the low-cost competitive system. But the cuts contained in the CSR are already dramatically altering the constitution of the sector. Many organisations are reporting cuts, passed on by local authorities, of between 15 and 20 per cent in the first year alone, with more to come. As a result, redundancies are increasing, training budgets are disappearing, and workers are being forced to accept longer hours and lower pay purely in order to reduce by a small margin the possibility of losing their jobs. The employers that UNISON works with all seem to be agreed that these changes are bound to impact negatively on the services they can provide, as not only will they have increasingly unmotivated, stressed and untrained workforces, they will also have problems holding on to the best staff.
41. The green paper states that "many civil society organisations have cited the Transfer of Undertakings (Protection of Employment) (TUPE) regulations as a potential barrier to greater involvement in the delivery of public services" (page 15). Is there solid evidence for the claim that TUPE acts as a barrier to greater delivery of public services, or is this claim anecdotal? UNISON does not see TUPE as a barrier to civil society organisations. Rather, it creates a level playing field where all bidders know what the employment costs of the contract will be. This degree of certainty actually creates a more sympathetic environment for small and civil society bidders to operate.
42. Indeed, it would be far better (in terms of ultimate public service outcomes) to see TUPE requirements as essential qualifying factors for organisations. If organisations are not able to meet the TUPE requirements of a tender process, it means they are not able to comply with legal requirements with respect to employees.
43. The green paper poses the question "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?" One suggestion would be for government to promote the various toolkits and good

practice with regard to full cost recovery, emphasising that organisations should not bid for work without factoring in the full costs of future staffing – including TUPE requirements. In addition, the government should strongly consider promoting the benefits of 'TUPE Plus' arrangements, whereby organisations receiving staff through TUPE are encouraged to transfer terms and conditions beyond the minimum requirement. In particular, coverage of pensions under TUPE is weak, with employers only required to offer a broadly comparable pension, and stronger guidance in this area would improve organisations' capacity to retain experienced and trained staff who have transferred to them.

Cost, price, quality and value

45. In the 'More Accessible' chapter, the green paper states that the government is committed to "moving to a system which focuses on the price and value of a provider, rather than the costs" (page 15). It has been claimed that the system already in place for commissioning public services looks at both quality and costs, but UNISON would agree that this system is inadequate. Our experience is that commissioners set a benchmark level of quality which bidders must reach, and of those that do reach it, the cheapest will win the contract.
46. The green paper asks what issues should be considered in order to ensure that civil society organisations are assessed on their ability to achieve the best outcomes for the most competitive price. Two points need to be made here. First of all, this should be the standard with respect to all types of organisations – not just those in civil society. In-house bids should also be able to be considered on that basis; and in-house bids can provide a useful benchmark and ensure that bidders do not collude in any way.
47. Second, the government has to recognise that merely stating that organisations' work will be based on 'outcomes' rather than 'outputs' will not be sufficient. Some of the work that civil society organisations do will not result in an immediate output or outcome. One of the things that civil society organisations do well is in researching new ways of working. Such research may not always end in immediate results for public services – whether measurable or immeasurable. It may be part of a much longer-term process. If the government accepts that civil society can add value, it needs to let it do its work in its own way. If voluntary organisations have to rely on contracts, which attempt to quantify outcomes, then neither civil society nor public services will benefit. A good example is the issue of innovation by civil society organisations. In UNISON's view, innovation and research and development by organisations is a good in itself, even if measurable outcomes are not immediately obvious. The chief executive of one voluntary sector organisation gave Steve Davies of Cardiff University this example:

We spent last year £15,000 on consultants to carry out a feasibility study for us because we were picking up that the way in which alcohol detox was being delivered was not meeting the needs of the clients. And we consulted widely on it, the consultants did a wonderful job, and put together a really good report that basically said 'you need to change the way the service is

delivered'. So we then went to speak to a number of the Supporting People teams and said this is what we think needs to happen – they'd contributed to it as part of the consultation on the feasibility study – but their response was: 'well we can see that but when we want a new service we'll go out to tender for it and you'll have your opportunity to tender then at the same time as everyone else will'. Now we spent the £15,000 because we'd had a few good years of making surplus, we had some reserves that we built up, and last year we only just broke even and putting together a break-even budget for this year has been even more difficult. There's no way we'll agree to spending £15,000 of our money on innovating, coming up with new approaches, new developments if we don't have a funder who's prepared to share the risk with us. And worse still, we go around telling everybody about it and they go out to tender and they'll give it to somebody else who having found out a better way of doing it will come in and undercut us in terms of price. So what's the incentive for voluntary sector organisations to innovate in a system like that?'⁴

48. The challenge for government is to make sure that investment such as that described in this example is not penalised; in fact that it is rewarded and encouraged. The current system of procurement clearly does not take into account the value of what organisations like this do, and it is therefore failing in its task.
49. In the 'Value' chapter, the green paper goes on to ask what approaches would best support commissioning decisions that consider full social, environmental and economic value. Government procurement advice needs to be clear and unequivocal about the importance it places on social, environmental and economic value. There needs to be an explicit recognition that procurement will take account of these issues and those bidders who promote them will be rewarded and not penalised on costs. Furthermore, equality impact assessments need to be used for ensuring that decisions that flow from commissioning will not adversely impact on vulnerable groups. Important labour standards, like pension provision and equality measures, should also be assured through social clauses, so that public services are not won on the basis of which organisation can treat its employees less well.

The Compact

50. The green paper states that "one of the Government's primary mechanisms for driving increased transparency will be the renewed Compact between the Government and civil society organisations". UNISON is strongly in favour of the idea of a Compact between the public sector and civil society, which recognises shared values, principles and commitments and sets out guidelines for how both parties should work together. But in the past few years the Compact has failed to improve partnership working between the public and voluntary sectors. Renewal of the existing Compact is therefore a necessity.
51. Unfortunately, the renewed Compact and accompanying Accountability and Transparency Guide, published by the government in December 2010, will not solve the inadequacies of the old Compact, for several reasons. Although the National Audit Office is to carry out a one-off study, no real ongoing

⁴ Davies OpCit

enforcement mechanism is proposed, and this means that many organisations will simply ignore the 'good practice' suggested by the Compact – especially when that good practice might mean extra costs, and hence a disadvantage in a competitive tendering process. The proposals also fail to issue any advice about responsible bidding, and so the problem of organisations bidding for work they cannot afford will continue (which in UNISON's experience can lead to sudden closures of projects such as care homes, and large pension scheme deficits).

52. UNISON is also concerned that the Compact's very existence will be at significant risk as a result of the planned abolition of the Commission for the Compact. However, the abolition of the Commission for the Compact would be a step backwards. Without the Commission for the Compact, UNISON is concerned that the Compact itself will be even more meaningless and unenforceable, and civil society will be further subjected to unreasonable demands with no agreed framework to defend itself. In the face of tighter spending cuts and a growing demand for voluntary sector services, the government needs to consider how the voluntary sector can be protected from damaging market pressures.

Citizen and community involvement

53. UNISON welcomes the involvement of service users in the commissioning process, and we support the ideas of co-production and co-creation where staff and users work closely together. But overall the commissioning process needs to be a balance. It should encompass the real experiences of service users; the detailed understanding of the reality of service delivery which staff can provide; and the high-level understanding of how individual services can be provided seamlessly.
54. Civil society organisations can play an important role in ensuring the voices of the user and the community are heard. The role of civil society is important and with over six million members, trade unions are the largest civil society bodies in the UK. Members of public service trade unions have a unique insight into the delivery of public services, and the potential of representatives of public service workers should be explicitly recognised.
55. Some civil society organisations represent certain user groups and they have an important insight which should be included, probably by the Local HealthWatch organisation. However HealthWatch's predecessors, LINKs, did not adequately represent all sections of society. The voices of many vulnerable service users were not heard as much as those of the more articulate, confident, and better organised. Therefore an overarching input is needed from elsewhere, and this will come from front-line service workers and councillors. As the democratically elected local leaders, front-line councillors should have a direct say in making the final decision. It should be remembered that while some community groups may be from the local community, they do not necessarily represent it. A small business, for example, might put forward strong opinions, but they may be speaking for nobody except themselves.

56. The new form of Joint Strategic Needs Assessment (JSNA), as envisaged by the Department of Health in *Liberating the NHS: Legislative framework and next steps*, is that "Local authorities and GP consortia will each have an equal and explicit obligation to prepare the JSNA, and to do so through the health and wellbeing board"⁵. They should also be informed by "including user views". GP consortia are not intended to give a voice to the wider community, and so views from service user organisations should come from HealthWatch. Users' views, particularly those of marginalised users, are not easily ascertained other than by the staff who work with them. So there should be an explicit and straightforward route for front-line staff to feed into the JSNA, including through their representatives (trade unions). The local authority should provide the wider perspective, and local authority overview and scrutiny committees should be able to review the council's position.
57. Adequate resourcing for structures engaging with local people is vital; otherwise they are likely to result in being unrepresentative and will be seen as such. In light of the current economic climate, with a real risk of a spike in unemployment and consequential social deprivation, there is an increased need for local authorities to play a bigger role in sustaining community cohesion and solidarity. Therefore consultation networks should be developed so that as well as representing users' views upwards, they also enable citizens to support each other. Local authorities therefore need to train, facilitate networking, and provide facilities for citizens to meet and self-organise, which will also enable them to express their views upwards.

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⁵ *Liberating the NHS: Legislative framework and next steps*, Department of Health, December 2010

