

**Submission to 'Modernising Commissioning' Green Paper**

**By the UK Council on Deafness (UKCoD)**

UKCoD is the umbrella body for voluntary organisations working with deaf people in the UK. Our mission is to assist member organisations, and the sector as a whole, to maximise the positive impact they have for deaf people.

UKCoD is a Limited Company (no 2922584) and a registered charity (no 1038448). We have 86 organisations that are full members ranging from large multi-million pound household names (such as Sense, RNID and NDCS) to small local organisations run entirely by volunteers. We also have affiliate members who range from PCTs to private technology companies. Our members include many that already provide services under contract to those (often smaller and more 'volunteer led') who are anxious about the commissioned approach.

Regrettably due to the short lead-time on this consultation and UKCoD's own resource limitations we were not able to set up a process to collect member responses until just before Christmas. Not surprisingly the number of responses has therefore been low and what follows is therefore not necessarily representative of the whole sector.

However given that you are welcoming responses from individuals as well as organisations and wider bodies we attach a brief summary of our member's comments.

Please do keep us informed of further opportunities for input as we are keen to ensure the views of our members are heard. If you require any further information please do not hesitate to contact me at

Many thanks

Adrian Masters  
UKCoD Interim Director

## **Feedback to Consultation Questions**

### **New Opportunities:**

**1. What are the implications of payment by results for civil society organizations?**

An organisation that has delivered audiology services under contract to the NHS for over three years comments that it has helped them become '*very focused and determined*' and that '*their keen interest in service users*' helps ensure a user led service that is accessible to all.

A smaller organization is concerned that contracts will exclude them; believing that their trustees, as volunteers, will be very adverse to accessing loan funding which will be required to build capacity and gain a competitive position.

A further comment relates to the difficulty of measuring results when outcomes may be a long time in the future and shared with other service providers.

**2. Which public services areas could be opened up to more civil society organizations, what are the barriers to more civil society organizations being involved?**

One organization commented that a major barrier that they had experienced was opposition from within the public services themselves, for instance when a PCT outsourced audiology from the hospital to them as a charity.

**3. Should Government explore extending the right to challenge to other local state-run services?**

One organization commented yes, they believe civil society organizations are more likely to put users first and maximise the funds spent directly on services.

**4. Are there types of assets whose viability, when transferred to civil society management would be particularly dependent on a continuing stream of income from service contracts?**

No comments

**5. How can we encourage more existing civil society organizations to team up with new employee led mutuals?**

No comments

**6. What other methods could the government consider in order to create more opportunities for civil society organizations to deliver public services?**

One organization highlighted the need for funding for capacity building costs. Another suggested contracts that can be sub-divided to smaller more specialized projects. This can also be achieved through sub-contracting but may be it needs to be stipulated to larger contractors that services for specialized groups (such as profoundly deaf or deafened etc) should be sub-contracted to specialists and a broad recognition that such specialized provision often costs more than the standard provision.

## More Accessible

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

Make sure all documents are well drafted and that the process allows enough time and is well signposted/publicized.

Do not ask for information that is not relevant to the bid or that you would not ask a private sector provider. Do not repeatedly ask for the same information.

That commissioners may to some degree play the role of 'broker', encouraging joint tenders.

2. **In the implementation of the above mentioned measures, what issues should the Government consider in order to ensure that they are fully inclusive of civil society organizations?**

Five year contracts to give sustainability and security enabling the organization to focus on developing and delivering services rather than its own immediate financial future. Longer contracts also assist in achieving staffing and board stability ensuring focus on the service and outcomes. One organization states *'volunteers in our organization are largely 60+ and are willing to 'work' for free but in return they look for a stable and reliable environment'*. In other words volunteering and Big Society will also benefit from longer term contracts.

Acknowledge and make allowance for the huge amount of resources needed for making bids, resources that it is very difficult for civil society organizations (especially small and medium ones) to fund. Coupled with the short timescales this often makes bidding virtually impossible.

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

One organization commented *'ensure that commissioners are well trained in the commissioning process, do not have too many staff working on each project and ensure only essential information is requested'*.

Make grants available to civil society organizations to work with professionals to help prepare bids

4. **How can commissioners achieve a fair balance of risk which would enable civil society organizations to compete for opportunities**

No comments

5. **What are the key issues civil society organizations face when dealing with TUPE regulations**

Regulations are too complex for smaller/medium sized charities. Could some support be provided centrally, could NCVO or ACEVO be contracted to provide this support?

**6. What issues should the government consider in order to ensure that civil society organizations are assessed on their ability to achieve the best outcomes for the most competitive costs**

Use more integrated methods to assess social return; eg looking at benefits across all public sector departments/spending not just the commissioning agency. For instance tackling health exclusion for some segments of the deaf community would also result in increased employment and reduced benefit costs.

Include and measure contribution to Big Society – in terms of volunteer and community engagement. More commercial provider may not be as able to provide.

Listen to what existing service users say about the services – give service users more say in the commissioning decision making process.

**7. What issues should the government consider in the development of the Big Society bank in order to enable civil society organizations to take advantage of the public sector market opportunities?**

No comments

**8. What issues affecting civil society organizations should be considered in relation to the extension of the Merlin standard across central government?**

A member feels that if contractors are paid by results there is a disincentive to pay/appoint sub-contractors. Whilst the Merlin standard appears helpful to smaller organizations it potentially conflicts with payment by results.

The provision of specialized services to segments of the deaf sector on a nationwide basis would seem a more sensible and far more efficient approach in the long-term. A consortium of civil society organizations working in the deaf sector could come together to manage such funding and deliver services through the established network of local and national organizations. UKCoD would welcome a discussion on how such a national, cross agency/ministry funding approach, could be developed for the benefit of deaf people.

**9. What barriers prevent civil society organizations from forming consortia. How could they be removed?**

Although the sector prides itself on collaboration when funding is involved it is often forced into a more competitive mode – this means organizations don't really know who else is bidding and who might be (or not be) sensible to talk to. As mentioned above commissioners or central government could provide some impartial facilitators to ease this process.

Most civil society organizations are based on strong values and therefore have strong cultures, very high level leadership and change management skills are required to 'pull off' successful collaborations and consortia. ....again independent facilitation/mentoring would help.

As previously mentioned civil society organizations, especially small and medium ones, do not have the resources to fully participate – it can't be stressed enough how difficult it is to fund this type of work for many civil society organizations even though it is the lifeblood of their future!

## Value

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

No comment but see question 6 in More Accessible section.

2. **What issues should Government consider in taking forward the Public services Bill?**

No comment

## Citizen and Community Involvement

1. **What role and contributions can civil society organizations place, through local health watch, in informing the local consumer voice about commissioning?**

UKCoD members can assist in gathering data from deaf service users and presenting to Local HealthWatch.

2. **What issues relating to civil society organizations should the government consider when refreshing the JSNA guidance**

The ongoing issue, especially for small and medium organizations, is that no one funds their involvement in this sort of process – participants need to be funded to be involved.

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

Most of our members have existing newsletters and networks which are already used to disseminate information about consultations and other issues. This can easily be developed further.

4. **What forms of support will best enable statutory partners and civil society organizations to improve their working relationships**

There are already many joint boards and consultative groups, the issue is all about time and for the civil society organizations how that time is funded.

5. **What issues should the government consider in the development of the future programme of training public sector service commissioners**

Get civil society organizations involved in delivering some of the training, what commissioning is like from their perspective. A buddying scheme where a civil society organization/manager buddies a commissioner. Exposure visits or placements by commissioners to civil society organizations to help them understand differences between private, public and civil society sectors. Ask Centre for Charity Effectiveness (Cass Business School) etc to design appropriate course blending commercial and civil society practice.

6. **What can civil society organizations contribute to the roll out of community budgets? What barriers exist to realizing this contribution and how can they be removed?**

The biggest worry is those that shout loudest (ie larger groups) will get heard the easiest and more disadvantaged groups will get overlooked. Unpopular issues such as deafness may be at particular risk, see recent nfp synergy report on 10 most and least attractive causes:

[http://www.nfpsynergy.net/includes/documents/cm\\_docs/2010/i/issuesofconcerncamsept10mediaeditfinal\\_readonly.pdf](http://www.nfpsynergy.net/includes/documents/cm_docs/2010/i/issuesofconcerncamsept10mediaeditfinal_readonly.pdf)

