



**MODERNISING COMMISSIONING:
A CONSULTATION RESPONSE
BY BRAP**

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A. Introduction

1. brap welcomes the opportunity to comment on the proposals contained in *Modernising Commissioning: increasing the role of charities, social enterprises, mutuals and cooperatives in public service delivery*.
2. brap is a think fair tank, inspiring and leading change to make public, private and civil sector organisations fit for the needs of a more diverse society. brap offers tailored, progressive and common sense approaches to equality training, consultancy and community engagement issues.
3. brap has ten years' experience delivering infrastructure support to black and minority ethnic (BME) civil society organisations. We have recently completed a multi-million pound project, called Routes 2 Opportunity, which helped BME organisations compete more fairly in the commissioning marketplace. Additionally, we have worked with public sector organisations (most recently, Heart of Birmingham PCT) to help make their commissioning practices fairer and more equitable.
4. This response will largely focus on BME civil society and how commissioning practices and procedures can be made fairer and more equitable. The Cabinet Office is no doubt familiar with BME organisations' role and functioning within civil society, but for more information – including definitions and a brief overview – please see *The Pied Piper*, available at www.brap.org.uk/content/view/324/123/

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

5. As stated in paragraph 3, brap has ten years' experience building the capacity of civil society organisations. In that time, we have seen clients and beneficiaries work successfully in a number of areas, with notably innovative examples occurring in:
 - employment, in particular:
 - youth training and personal development
 - health and social care, in particular:
 - support for people with long-term conditions
 - support for people with lower level mental health problems – in particular depression and isolation
 - support for the expanding elderly population
 - services that target poor health practices and outcomes that increase risk – physical exercise, nutrition, obesity
 - services that increase access and effective use of mainstream services – both generally, for communities where the pattern of use is often poor, and targeting specific high-risk areas, for example diabetes in South Asian origin communities
 - services that support End of Life¹
6. Since most of this intelligence is based on an analysis of the West Midlands region, the Cabinet Office may wish to ensure that public services in other localities across the country

¹ For more information see brap (2008) *Routes 2 Opportunity: Strategic report*. Available on request.

are commissioning just as successfully in these delivery areas. A great deal of learning can be drawn from the above examples, should the Cabinet Office wish to disseminate best practice.

7. It should be noted, however, that commissioning bodies still often remain unclear in terms of what they want to commission from civil society and – much more likely – why they want to buy it.
8. What thinking there is tends to the focus on the idea of the ‘culturally appropriate’ aspect of BME civil society provision. In most cases this is an assumption that particular ethnic organisations will know what’s best for ‘their’ communities and will be able to deliver services in a particular way which reflects this. However, if this is done without clarifying what quality outcomes are expected of the service, communities may be short-changed by well-meaning organisations who can represent their needs, but can’t deliver on their aspirations. A clear evaluation of the available evidence, rather than a presumption of cultural need, is far more likely to produce fairer outcomes within an area.
9. Additionally, this type of thinking has the tendency to pigeonhole BME organisations as niche suppliers. It is important that the skills and expertise BME organisations possess are not limited to a particular market, but allowed to benefit mainstream provision too.

C. How can Government make existing public service markets more accessible to civil society organisations?

10. Given the dominance of the public service marketplace by larger organisations, it is clear more work needs to be done to balance the opening up of the provider base (and extend choice) and meet efficiency requirements through more centralised purchasing, limiting the range of suppliers of goods and services, and achieving value for money through economies of scale. Particular issues BME organisations have to contend with in this respect are:
 - technical and bureaucratic tendering requirements
 - overly burdensome thresholds on pre-qualification questionnaires
 - the visibility of commissioners (in terms of advertising tenders, making links with smaller organisations)
 - approved suppliers lists
 - myths surrounding the professionalism, honesty, and experience of the sector

Technical and bureaucratic tendering requirements

11. The Cabinet Office is right to highlight disproportionate levels of risk in contracts as a significant barrier to smaller civil society organisations participating in public service delivery. A risk-led commissioning process should focus on requiring proportionate standards in or levels of:
 - quality assurance
 - insurance/indemnity
 - finance procedures
 - reporting requirements

12. This risk-led approach should also apply to pre-qualification questionnaires, which many organisations have said often ask for information that is irrelevant to the successful delivery of the project in question. The Cabinet Office should ensure that any standardised PQQ they develop to use across central government bears this in mind.
13. The drawing up of commissioning specifications should be a fluid process involving civil society organisations themselves. Commissioners should utilise their expertise to inform decisions of what standards should be required, what financial requirements are relevant, and so on. This will involve commissioners having a better relationship with BME civil society in their area, which is discussed below.

The visibility of commissioners and knowledge of commissioning priorities

14. Research has shown that the new commissioning environment has forced many organisations to rethink their core mission and revise their business plan to align with national and local priorities and targets.² However, as we noted in paragraph 8, many organisations are still not clear or forthcoming on their commissioning priorities, which stops many smaller organisations preparing for the challenges they will be asked to meet. With the abolition of local area agreements and other mechanisms for signposting priorities, it will become increasingly important for commissioning bodies to publicise their priorities independently.
15. Similarly, many civil society organisations complain of tenders not being widely advertised. In part, the remedy lies with good practice on publicising contracting opportunities, for which there is a wealth of guidance.³ However, it is also connected with commissioning bodies not having sufficiently in-depth knowledge of civil society organisations in their locality. Public organisations should be encouraged to undertake a mapping exercise of civil society in their area, identifying not only the expertise of particular bodies, but also their reach, core beneficiary base, and capacity to deliver. In doing so, commissioners may find it helpful to make contact with their local specialist infrastructure support provider, who will have suitable contacts.

Approved suppliers lists

16. brap is in contact with over 400 BME civil society organisations through its network, the Collective. Members have consistently voiced their frustration with the lack of transparency surrounding referral pathways into a variety of provision, from PCTs to adult and community care. Complaints often centre on difficulties ascertaining whether there are preferred supplier lists, and if so, how to get on them. Quite often, the problem relates to the attitude of the commissioner, with many organisations feeling commissioners are protecting 'favourite' suppliers or are simply indifferent to diversifying their supplier base.
17. Since approved supplier lists are by their very nature exclusionary, commissioners should be encouraged to review them regularly or even update them between renewal dates. Furthermore, there should be greater transparency regarding how lists are updated, including greater publicity of the date new organisations are eligible to apply for inclusion. To

² See, for example, brap (2008) *The decline of local authority grants: fact or fiction?* Available at: <http://tiny.cc/4uKwy>

³ For example, brap (2008) *Two sides of the same coin*, available on request; OGC (2004) *Think smart...think voluntary sector!*, available at <http://tinyurl.com/27ccp8t>; among others

aid this process, commissioners should be reminded of the benefits of having a diverse supplier base to call on. The Cabinet Office may wish to think about including obligations on this issue in future refreshes of the Compact.

Myths surrounding the BME organisations

18. Many of the problems listed above are generic to small civil society organisations. Additionally, however, BME organisations often have to deal with negative perceptions and stereotyping which hinder their ability to compete in the public service marketplace. Particularly prevalent and pernicious myths relate to BME organisations' professionalism; their levels of experience or qualification; that they are harder to work with; and that they don't deliver. The Cabinet Office should actively seek to dispel these misconceptions by disseminating case studies, providing training on fairer commissioning practices, and issuing guidance on how commissioners can build relationships with BME civil society in their locality.

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

19. brap welcomes the intention to enable commissioners to make strategic decisions based on an understanding of their environmental and social impact, which should include issues relating to the promotion of equality.
20. brap has worked with a range of organisations to help them measure and demonstrate their social value (including support on deriving Social Return on Investment (SROI), which has been the dominant approach employed by the government so far⁴).
21. Based on this experience, brap would caution against social value measurement techniques that are time- and labour-intensive. Many smaller organisations may find it difficult to release the resources necessary to complete such a process thoroughly, which may disadvantage them when competing against larger organisations. Similarly, commissioners should be properly trained in understanding social value indicators, many of which are necessarily unsophisticated and can, unless properly analysed, give a distorted view of an organisation's social impact.
22. Perhaps more importantly, few, if any, social value measures adequately take into account an organisation's equality credentials. While the promotion of equality and human rights is central to what civil society does, this does not preclude some organisations acting in a discriminatory or unfair way towards service users. As such, brap have devised a human rights standard for civil society organisations which quantifies the extent to which deliverers uphold certain rights when dealing with their customers. It ensures that people are treated fairly and equitably, and have their rights to privacy, dignity, and freedom of thought amongst others protected.

⁴ it has, for example, been promoted extensively by the Cabinet Office and recently highlighted in best practice research from the Department of Health (DoH (2010) *Measuring social value*: <http://tinyurl.com/3636ac7>)

23. Copies of the standard are available on the brap website:

www.brap.org.uk/content/view/342/123/

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

24. Civic engagement requires a constancy of effort, which has thus far been missing from government initiatives to engage. It also has to be recognised that true engagement operates from a centre of passion, and civil society organisations are good at tapping into this passion and encouraging people to act upon their interests. To capitalise on this, civil society must be given the freedom to determine the means of engagement and the reasons for it, which will involve them having a much greater say in the initial, planning stages of the commissioning process.

25. For citizen involvement with commissioning decisions to have a positive impact, it is important to develop the skills set of the people involved. Often, citizen involvement is tokenistic, and is trumped in favour of the expert or professional. To counter this, people should be given the opportunity to develop 'soft' skills, such as listening and communication skills; be given the confidence to engage in public debate; and learn more about the statutory and financial factors that can constrain decisions. It is equally important to recognise that equality and fairness are learned skills, and one's background or identity is not always a guarantee of having that knowledge. Instead, those involved with public policy decisions should be able to demonstrate:

- the ability to engage and work constructively with a range of ethnic, faith, and community groups
- a commitment to sharing expertise and good practice with others
- an ability to identify the commonalities in service participation that create similar barriers to accessing service delivery for different social groups

F. More information

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