

# Progress in Implementing the Care and Support Tender Review

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## Audit Committee

9 May 2011

### 1 Purpose of report

- 1.1 This report reviews progress in implementing the review of the tender for care and support services.

### 2 Summary

- 2.1 The “Lessons Learned” report set out eight specific actions following the tender for a range of care and support services. Good progress has been made in several of these, including developing a commissioning strategy, improved consultation and engagement, as well as many aspects of training and staff development. However, work is still ongoing on a number of other tasks including direct payments, developing a code of conduct and aspects of governance.

### 3 Main report

- 3.1 At its meeting on 23<sup>rd</sup> September the Audit Committee requested that an update be provided on progress in implementing the “Lessons Learned” review of the policy decisions to tender for a range of care and support services. The latter was reported to Policy & Strategy on 8<sup>th</sup> June 2010. This review comprehensively examined the development and implementation of the decision to tender for a range of care and support services. Key elements of the review were: the policy decision to tender; the tendering arrangements, including roles and responsibilities; new arrangements for effective consultation and engagement on the way forward and issues associated with Direct Payments; and the production of a commissioning strategy based on procurement guidance and Best Value requirements.
- 3.2 The report set out a series of initiatives in an action plan. These were:
- develop a commissioning strategy - to be available by October 2010 (Director of H&SC);
  - engagement and consultation - develop and implement a model with stakeholders and service users (Directors of H&SC, CS and Head of Communications);

- set rates for Direct Payments - following consultation, proposals for revised rates to be in place by October 2010 (Directors of HSC & SfC);
- complete review of tendering - analysis of current tendering and revised best practice proposals by December 2010 (Head of LAS);
- training and staff development (i) - additional training for staff engaged in complex procurement projects by December 2010. Develop and invest in procurement and legal expertise between 2010 and 2013 (Heads of LAS, HR and Procurement);
- training and staff development (ii) - review management training programmes and develop Prince2 project management and PROSCI change management by the end of 2010 (Head of HR);
- HR development issues - introduce a code of conduct for staff involved in major procurements by December 2010 (Head of HR);
- project management and governance - develop better project management through a range of initiatives (Directors in charge of project boards).

3.3 Progress in each of these initiatives is considered below.

#### **Commissioning Strategy**

3.4 The Commissioning Strategy and Commissioning Plan for Adult Care and Support Services were agreed by the Policy & Strategy Committee on 2<sup>nd</sup> November 2010 and are now subject to consultation. They will be revised in light of responses received and reported to the relevant committees shortly.

#### **Engagement and Consultation**

3.5 The Commissioning Strategy makes a commitment to engage with client communities in the development of services and sets out in an appendix how this will be delivered. Additionally, the Commissioning Plan describes how consultation and engagement will be addressed at different stages of the commissioning cycle for adult care groups and their carers. The work to implement the communications and engagement strategy for the consultation on the Council's Commissioning Strategy for Care and Support Services and Commissioning Plan for Adult Services has commenced and will continue throughout the project. A 'Checkpoint Group' of key stakeholders and partners from all sectors is actively involved with the work.

#### **Set rates for Direct Payments**

3.6 The Commissioning Strategy and Plan describe the approach that will be taken to Direct Payments. At present, rates for care and support services continue to be based on the type of service received rather than on the basis of a single, agreed rate across all services. This is under review and the Council will address how direct payments, as part of the expansion of self-directed support, will be developed through its Personalisation Development Group in 2011. It should be noted that Edinburgh compares favourably to other councils in both the number and value of direct payments made.

### **Review of Tendering and Best Practice**

- 3.7 The Council has carried out a strategic, comprehensive review of procurement activity across all service areas. The review has identified a number of key recommendations that have been incorporated into a high level action plan to assist progress in key areas. This includes recommendations in relation to procurement strategy and governance, staff engagement and interaction across departments, strategic sourcing and development and training. A range of work has been undertaken by the Procurement Team and Legal Services, particularly in relation to policies and procedures. A procurement manual has been drafted that will set out a standard approach to all Council procurement activities, including tendering, council-wide.
- 3.8 The related review of tendering and best practice is ongoing. Actions and policies are being put in place and the Head of Legal and Administrative Services will report the conclusions of the review and best practice to the Policy and Strategy Committee.

### **Training and staff development (i)**

- 3.9 A review of the training and development of staff has been carried out and a Training Needs Analysis has been prepared which has identified areas for improvement. A proposed learning pathway has also been drafted which will provide structure to the training and development of procurement staff. Additionally a solicitor has been working full time since January 2010 within the Procurement Team to develop procurement law expertise.

### **Training and staff development (ii)**

- 3.10 A total of 89 managers have been trained to certification level in PROSCI change management, which requires a three day course and examination. Additional three day courses are being planned for later this year. Directors and Heads of Services have been trained in the role of executive change sponsor. A presentation was delivered to Committee Conveners and Vice Conveners on the PROSCI model in December 2010. An additional one day pilot course for managers was also delivered in February 2011. A total of 222 people have been trained in Prince2 to the "Foundation" level, with 27 of these trained to the higher "Practitioner" level. Both levels of qualification require the successful completion of an examination. Training in Prince2 is available online through the Council's CECIL system for interactive learning.

### **HR Development Issues**

- 3.11 A further development intention was to prepare a Code of Conduct encapsulating the expertise, procedures and best practice in procurement, consistent with employment law. This was to be designed to reinforce appropriate professional behaviour in all aspects of the procurement process. However, with the tendering and procurement review work still to be completed and agreed by Committee, it is proposed to address this after these new frameworks are adopted.

### **Project Management and Governance**

- 3.12 The Commissioning Strategy and Plan for adult care groups provide a framework for managing future projects, and will be following by separate plans for children's services, homelessness and housing support during 2011. A

range of procurement related documents are now available and staff skills in project and risk management developed. Work is ongoing to develop the most appropriate way of reporting progress in major projects to the Council Management Team and committees.

#### **4 Financial Implications**

- 4.1 There are no direct financial implications arising from this report. However, it is expected that the implementation of these initiatives will secure more efficient services and better outcomes from the available resources.

#### **5 Environmental Impact**

- 5.1 While there are no direct environmental implications, the Commissioning Strategy will promote contract specifications and secure providers that support environmental sustainability, while also reinforcing the social equity objectives of the Council's commitments to the Aalborg Treaty.

#### **6 Equalities Impact**

- 6.1 The proposals described within this report contribute to the general public sector equality duty to: (i) advance equality of opportunity; and (ii) foster good relations.
- 6.2 The equalities relevance score for the proposals described in this report is high relevance to equalities and human rights legislation, high relevance to public concern within equalities groups and medium relevance to potential negative impact on equalities groups. Consequently a full equalities impact assessment is being completed as part of the Checkpoint Group's work referenced in paragraph 3.5.

#### **7 Conclusions**

- 7.1 Good progress has been made in developing the Commissioning Strategy and an improved approach to engaging with service users, carers and partners. A mechanism is in place to set an appropriate rate for Direct Payments, and large numbers of staff have been trained in project and change management techniques. Further work on a staff code of conduct will proceed after the adoption of the tendering and procurement review recommendations.

#### **8 Recommendations**

- 8.1 It is recommended that the Committee notes:
- a) the good progress in implementing the action plan; and
  - b) the further work required in due course to develop a Code of Conduct; and
  - c) that progress on the procurement improvement plan will be reported regularly to Committee as part of the major projects review process.

Appendices	1. Care and Support: Action Plan 2010/11
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Wards affected	All
Single Outcome Agreement	
Background Papers	None

Care and Support: Action Plan 2010/11

APPENDIX 1

Topic	Action	Allocated to
Commissioning Strategy	Complete new Commissioning Strategy for Learning and Care by October 2010.	Director of Health and Social Care
Engagement and Consultation	As part of new commissioning approach, develop and implement a sustainable model of communication and engagement with all stakeholders and service users.  Ensure that "lessons learned" on engagement and consultation on major service change are rolled out to all departments.	Director of Health and Social Care  Director of Corporate Services and Head of Corporate Communications
Set rates for Care and Support Direct Payments	Following consultation, prepare proposals for revised rates by October 2010.	Directors of Health and Social Care and Services for Communities
Complete Review of Tendering	Delivery of analysis of current tendering and revised best practice proposals by December 2010.	Head of Legal and Administrative Services
Training and Staff Development (i)	Additional training to be developed for staff engaged in complex procurement projects, by December 2010. Develop and invest in procurement and legal expertise, 2010 – 2013.	Head of Procurement  Head of Human Resources  Head of Legal and Administrative Services

Training and Staff Development (ii)	<ul style="list-style-type: none"> <li>● Review team development and collaborative working aspects of existing management training programmes to meet procurement project needs;</li> <li>● Prioritise PROSCI change management training for staff involved in major procurement projects;</li> <li>● Refresh Prince II training for all project team and Project Board members, all by end of 2010.</li> </ul>	Head of Human Resources
HR Development Issues	<ul style="list-style-type: none"> <li>● Introduce code of conduct undertakings for staff involved in major procurement processes by December 2010.</li> </ul>	Head of Human Resources
Project Management and Governance	<ul style="list-style-type: none"> <li>● Review and update all documentation, systems and processes for procurement project management;</li> <li>● Ensure key commissioning strategy, procurement strategy and evaluation strategy documents are in place;</li> <li>● Revise procedures for CMT assessment of major projects and determination of 'gateway' reports to Committees;</li> <li>● Identify relevant senior staff in major projects to be responsible for political group briefings;</li> <li>● Review risk management procedures in major procurement projects;</li> <li>● Ensure project managers invest time in project definition phase and in obtaining team support for shared objectives;</li> <li>● Ensure that staff resources are at the right scale and level of experience for major procurement projects.</li> </ul> <p>(All of the above to be implemented as projects occur, with immediate effect).</p>	Relevant Directors in charge of project boards