

COMMISSIONING SELECT COMMITTEE

Tuesday 30th June, 2015

12:00 pm

**Wantsum Room, Sessions House, County Hall
Maidstone**





AGENDA

SELECT COMMITTEE - COMMISSIONING

Tuesday, 30th June, 2015, at 12.00 pm

Ask for: **Joel Cook**

**Wantsum Room, Sessions House, County Hall,
Maidstone**

Telephone **03000416892**

Tea/Coffee will be available 15 minutes before the start of the meeting in the meeting room

Membership

Mr M J Angell (Chairman), Mr M Baldock, Mr M A C Balfour, Mr H Birkby, Mr N J D Chard, Mr G Cowan, Mr T Gates, Mr C R Pearman and Mr M J Vye

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Commissioning Recommendations - Progress report (Pages 3 - 40)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
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Monday, 22 June 2015

From: David Whittle- Director of Strategy, Policy, Relationships & Corporate Assurance

To: **Commissioning Select Committee**

Subject: **Update on the agreed Action Plan in response to the Recommendations of the Commissioning Select Committee 'Better Outcomes, Changing Lives, Adding Social Value'**

Classification: **Unrestricted**

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: Countywide- all divisions affected

Summary:

This report provides an update on the action plan which was agreed by Cabinet and presented to Scrutiny Committee in September 2014, in response to the recommendations of the Commissioning Select Committee, 'Better Outcomes, Changing Lives, Adding Social Value'.

Recommendations:

The Select Committee are asked to:

- 1) Note the progress against the action plan
- 2) Agree the proposal to continue to review progress against a number of the recommendations

1. Introduction:

- 1.1 The attached action plan (**Appendix 1**) has been updated to reflect KCC's progress in response to the Select Committee Recommendations. As can be seen good progress has been made over the past 9 months, particularly in relation to delivering the key strategic documents and frameworks for the authority, to drive forward our transition to a strategic commissioning authority. However it is also recognised that it will take some time to embed cultural changes and new practices across the organisation.

2. Overview of Progress:

- 2.1 The action plan sets out the detail of KCC's progress against the 27 recommendations however over the past 9 months KCC has delivered a number of key documents which are driving forward our move to become an excellent commissioning authority and ensuring that we develop a mixed and vibrant economy in Kent.
- 2.2 KCC's Strategic Statement 'Increasing Opportunities, Improving Outcomes' has been adopted by County Council and reflects the need for KCC to become a very different type of council over the next five years. Our strategic and supporting outcomes will drive all our commissioning and ensure that we are securing high- quality services for our residents and that we are ensuring every pound spent in Kent is delivering better outcomes for Kent's residents, communities and businesses.
Whilst it will take time for this to be embedded across the Council we are already starting to see that this is a providing a 'golden thread' through our commissioning, strategies and plans.
- 2.3 Our Commissioning Framework has now been agreed and is ensuring that we are commissioning to the same high standard across the Council and sets out our commitment to Social Value within all our commissioning. Furthermore the development of a commissioning network and toolkit means that commissioners are sharing examples of good practice and innovative commissioning across different parts of the business.
- 2.4 The draft VCS (Voluntary and Community Sector) policy which is out for consultation with the sector, is also helping us to ensure that we recognise the value and role of grants whilst ensuring that we are consistent and transparent in our use of grant funding. Furthermore through the consultation process we are reviewing the support needs of the sector to ensure that the VCSE market in Kent thrives.

3. Conclusion

- 3.1 As set out in detail in the updated action plan there has been much progress made on the recommendations of the Committee. However, there is also recognition that this is an ongoing journey and it will take time to achieve the required cultural shift and improve our commissioning practice. It is therefore proposed that further input from the Select Committee by way of a review of progress in 6-12 months could provide a useful assessment of KCC's development as a strategic commissioning authority.

Recommendations:**The Select Committee are asked to:**

- 1) Note the progress against the action plan
- 2) Agree the proposal to continue to review progress against a number of the recommendations

Report Author

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Appendix 1: Updated Action Plan

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
Commissioning Landscape					
R1. Support the development of a balanced and mixed economy of potential service providers, balancing cost and maximising where appropriate the use of VCSE and SME organisations with the capacity and skills needed to achieve the outcomes required.	KCC is striving to be an excellent commissioning authority, this means being focused on the delivery of our strategic outcomes, having a strong understanding of the customer needs and that we consider all options in striving to get the best services that are value for money for our residents. By working in this way we will support a mixed economy, with no provider bias. The strengths of the VCS and SMEs will be recognised by having the appropriate intelligence on the services they deliver, their expertise and skills to make informed decisions on service delivery. We will be looking at how we can improve the skill base of our commissioners and	Early 2015	<ul style="list-style-type: none"> Transformation Team Procurement Commissioning 	KCC's Strategic statement has now been adopted and focuses on ensuring that every pound spent in Kent is delivering better outcomes for Kent's residents, communities and businesses. This provides the mandate for commissioners and providers across the private and voluntary sectors to innovate and radically redesign what we do and how we do it, to meet the outcomes for Kent. Who delivers the services to improve outcomes will depend on who is best placed to achieve them across the public, private and voluntary sector. However we recognise that there is an ongoing development need to	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
	the commissioning support specialisms needed to support them. We will also ensure that commissioners are supported to robustly appraise all delivery options available to them during the early commissioning stages.			improve the pre-market engagement stage of the commissioning cycle and to ensure that all our commissioners are able to robustly appraise all delivery options.	
KCC as an excellent commissioner					
R 2. Clarify KCC Commissioning objectives and approach, and develop a KCC Commissioning Strategy.	As referenced in the Facing the Challenge reports to County Council in May, KCC is developing a new Strategic Outcomes Framework and Commissioning framework. These will define what it means for KCC to be a strategic commissioning authority including the functions and capabilities needed and will also set out the strategic outcomes for the authority. The framework will provide clear guidance to commissioners, providers and partners	April 2015	<ul style="list-style-type: none"> Policy with Commissioning and Procurement 	Policy has delivered the new KCC strategic statement, which sets out our strategic outcomes and has been agreed by County Council. The Commissioning framework has been agreed by County Council and an online toolkit has been developed to provide guidance and tools to staff in support of the Commissioning authority model.	Delivered

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
	about what good commissioning will look like for KCC.				
R3. Define roles, responsibilities and relationships in commissioning cycle, agree who is best placed to carry out the different tasks, and decide when and how legal advice should be considered in the procurement cycle.	<p>The analysis of roles and responsibilities within the report is welcomed and should be used as a basis to review the procurement and commissioning function in the Phase 2 reviews and to inform the development of our commissioning support. It is recognised that we need to define clearly our Commissioning and procurement functions and make a distinction between commissioning and the role of service managers.</p> <p>The development of a Commissioning Framework for the authority will provide clarity on the process KCC uses for commissioning, setting out the key steps, good practice and defining roles</p>	Early 2015	<ul style="list-style-type: none"> • Policy • Commissioning • Transformation Team • Procurement 	KCC's commissioning toolkit defines the different roles and responsibilities throughout the commissioning cycle including the roles of commissioning and procurement functions. Review of commissioning and procurement is on-going.	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
	and responsibilities at each stage of the cycle. It will also illustrate the resources available to commissioners to draw upon.				
R4. Develop the culture of commissioning and contract management, with an ethos of collaborative relationships.	Whilst it is the responsibility of operational commissioners to work with potential providers to explore and encourage where appropriate opportunities for greater collaboration, it should not be the role of the County Council to dictate how the sector/potential providers should operate. It is however the responsibility of KCC to help shape the market in Kent and make it aware of our commissioning intentions. Whilst sub-contracting can be a useful and effective way of commissioning services we recognise that we must put mechanisms in	Ongoing	<ul style="list-style-type: none"> • Commissioning • Procurement 	An e-learning module on commissioning and contract management has been developed and is now available for all staff, which highlights the importance of effective relationships between KCC and its providers. In addition an in-depth contract management training programme has been developed by Procurement for all contract managers, to develop skills in commercial acumen, developing effective relationships, and managing contracts effectively and has been delivered to 83 managers with more courses to follow.	Delivered

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
	place to manage the supply chain and ensure that all providers are equally treated and that smaller VCSE entities can benefit from sub-contracting arrangements. Our new commissioning framework will make clear how we will support the VCSE to effectively engage in KCC procurement exercises and what we expect of all providers both internal and external which are commissioned by KCC, this will include looking at how we can support sub-contracting and consortia arrangements.			<p>We are also supporting the development of collaborative relationships with providers, for example by developing a commissioning toolkit specifically for local arts and culture organisations to help them engage effectively in commissioning activities.</p> <p>Through KCC's consultation on its Strategic Statement a provider feedback survey has been agreed and will be a key mechanism for understanding whether we are successful in making progress against this recommendation.</p> <p>A key part of the VCS policy is to review how we provide infrastructure support to the sector and how this can help to build</p>	

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
				collaborative relationships in the future.	
R 5. Extend the Kent Compact or similar agreement to include private sector providers working with the VCSE organisations.	Whilst we are sympathetic to the points raised in relation to sub-contracting we do not believe that the Compact is the right mechanism for managing how the private sector works with the VCSE in potential sub-contracting arrangements. This should be achieved through the development of good contracts and through the management of the supply chain, ensuring that all providers are treated fairly and equally, as stated in R4.	Ongoing	<ul style="list-style-type: none"> Commissioning Procurement 	N/A see R4	
R 6. Invest time defining the desired outcomes and measures (quantitative and qualitative), ensuring these are user and communities focused and evaluate impacts (not outputs), using Co-production of outcomes	We absolutely agree that defining outcomes is critical for specifying and securing the right services. This should be based on a blend of quantitative and qualitative measures and we recognise the need to	On going	<ul style="list-style-type: none"> Commissioning Policy 	The outcomes defined in KCC's new strategic statement were informed by both public and staff consultation and reflect the priorities of the residents of Kent. They provide a 'golden thread' which will run through all	Ongoing

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and measures where appropriate.	<p>improve our evaluation with regards to qualitative analysis. We also support that wherever possible outcome measures should be co-produced.</p> <p>The development of a Strategic outcomes framework will provide the foundation for aligning commissioning objectives of clients and services to the strategic outcomes KCC wants to achieve as a county at a population level.</p> <p>The strategic outcomes framework will be informed by public consultation. The new commissioning framework will also set out how we will ensure that each contract established by KCC links directly to the new outcomes framework.</p>			<p>our plans and strategies including our commissioning activity. This will enable us to report annually on our progress and the impact our activity is having on the lives of our residents and our communities. We recognise that moving to an outcome based approach will require us to have a stronger focus on evaluation and we recognise that this is something we must improve upon.</p> <p>Our strategic statement has been informed by consultation with residents and staff and significant changes were made to the document in response to this engagement. The document has been widely welcomed in its simplicity and that this</p>	

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				<p>approach enables greater accountability.</p> <p>We are already starting to see that our strategic outcomes are referenced within our commissioning with the document being opened 4500 times by staff on our website. A recent Commissioning Network meeting for commissioners was dedicated to exploring how we can be focusing more on these outcomes in our commissioning activity.</p>	
R 7. Improve how we join up commissioning across the authority. There is a need for better collaboration and partnership building across silos and with providers.	The strategic commissioning plan and outcomes framework will span client groups and define outcomes which will drive commissioning and service activity, encouraging collaboration across the council. The county wide commissioning framework will ensure that there is	April 2015 and ongoing	<ul style="list-style-type: none"> • Policy • Commissioning 	Whilst we have delivered the commissioning framework and set out our strategic outcomes for the authority which we believe will help us to look for opportunities for collaboration, we recognise that it will take some time to embed practice across the local authority. We therefore	Ongoing

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	consistency in the way we commission and will set out how we will commission with partners. We recognise that better engagement with partners provides opportunities to identify innovative models of service delivery and we are moving towards closer joint commissioning arrangements with colleagues in Health in this way. We also expect commissioners to engage with providers who very often have innovative ideas about how to deliver services which are not focused on organisational boundaries.			suggest progress should be reviewed routinely. This will be a specific focus of the new Business Intelligence and Development division currently being recruited to.	
Engagement and Communication					
R 8. Provide more opportunities to co-design and co-produce services where appropriate, to capture the value of what organisations are already doing, and ideas to innovate.	The development of a KCC commissioning framework will set out the principles underpinning our commissioning including our commitment to involving residents in the co-production of		<ul style="list-style-type: none"> Commissioning 	The commissioning framework sets out our commitment to community engagement and co-production within all our commissioning, although the best way of achieving this should be	Ongoing

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	services and monitoring the effectiveness of commissioned services. There will be an expectation that operational commissioners will work alongside customers and organisations to ensure that we are clear on the outcomes we are seeking to effect through our services and that we build upon best practice.			the decision of the commissioning manager or officer. Our commissioning toolkit also provides examples of best practice and guidance on how to engage our customers. However it will take some time for practice to be embedded consistently across all areas of KCC and therefore it is suggested that this is routinely reviewed.	
R 9. Need to ensure that specifications are 'fit for purpose' and reflect market engagement, identify level of need and desired outcomes, allow innovation and flexibility, leading to better contracts.	We agree that service specifications are a critical product to driving effective commissioning. We acknowledge that we must get better at designing them and at how we arrive at our specifications, engaging providers and service users. However our specifications must also be proportionate and	Autumn 2014	<ul style="list-style-type: none"> Commissioning 	The commissioning toolkit provides best practice examples and templates for service specifications and our commission framework clearly sets out our core standards. Market engagement activity is improving, for example Public Health and Waste Management both recently held market engagement events	Ongoing

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	flexible to ensure that we do not limit the innovation of providers. Our commissioning framework will recognise this balance but there will always need to be an element of judgement made by the commissioner to ensure that we get the right specifications and better contracts as a result.			which received very positive responses from local providers. However we recognise that our pre- market engagement could still be improved to ensure that our specifications are robust and reflect real need. We therefore suggest that this is routinely reviewed to ensure progress.	
R 10. Actively consider how service users and stakeholders can have greater input and influence in the specification, and service users in the evaluation of tenders.	There are already examples where KCC has successfully involved service users and stakeholders in the development of specifications and we strongly support this approach wherever possible. Our commissioning framework will place great importance on the analyse and review stages of the commissioning cycle and our approach to commissioning will be underpinned by the	On going	<ul style="list-style-type: none"> Commissioning 	As set out under R8 service user and stakeholder engagement is a core part of our commissioning framework and whilst there are already good examples across the authority, provided in our commissioning toolkit this must continue to be embedded consistently across the authority.	Ongoing

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	principles of co-production and service user engagement throughout the cycle. It will be the responsibility of operational commissioners to ensure that there are opportunities for input and influence in the specification wherever appropriate and this should be built into the commissioning timetable. There will be an expectation that commissioner will be able to evidence service users and customer input into the design of the commissioning specification wherever appropriate.				
R 11. Ensure appropriate and timely communication throughout the market engagement and tendering processes – about timeliness, communicating reasons	We strongly support the principle of engaging early with the VCSE and private sector to inform our commissioning plans and specifications. This will enable commissioners to	On going	<ul style="list-style-type: none"> Commissioning Procurement 	KCC's commissioning framework commits to timely engagement with the market however in practice we believe we can build on the already existing good practice of	Ongoing

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for changes, levels of awareness.	understand what the sector can provide and will ensure that they are well informed of our commissioning intention. This is vital to the delivery of innovative services based on quality specifications.			<p>all major and many minor procurements involving early market engagement this is an area where we need to continue to improve and standardise our practice across the authority. This is also featured in the new Public contracts regulations which encourage pre market engagement. We believe that this should be routinely reviewed as we progress our commissioning approach across the authority.</p> <p>All 2015/16 business plans contain a timeline of commissioning intentions for each Directorate and these will be published online to provide visibility of KCC's commissioning intentions, thereby giving providers as much notice as possible of potential</p>	

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				procurement exercises.	
R 12. Promote contracting opportunities to VCSE and SMEs and Better or enhanced promotion of the Kent Business Portal to increase awareness (including with small and micro enterprises), and for the Portal to be more easily navigable.	The effectiveness of the portal should be considered within the phase review of procurement to ensure that the portal is responsive and easily accessible.	Starting Summer 2014	<ul style="list-style-type: none"> Transformation Team Procurement 	The Kent Business Portal is promoted by both KCC and the other Kent partners . KCC Procurement have presented at 2020, Construction Expo, Sector Training and Mentoring Programme (STAMP) for VCS organisations. And many other meetings across Kent.	Ongoing
R 13. Extend the use of the portal to enable other local Authorities to promote contract and subcontracting opportunities, broadening potential access for VCSE and SMEs.	Procurement will explore the possibility for the portal to be used by other local authorities outside of the County.	Ongoing	<ul style="list-style-type: none"> Procurement 	As stated by Procurement the portal is Kent focused and therefore we do not intend to expand the portal out of the County. The Portal is now actively being used by 9 District Councils, Medway, Fire and Rescue, some schools and some Parish Councils. We are also having sub-contract opportunities	

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				posted (this needs to increase) Additionally we now have suppliers seeking partners through the portal (mainly VCS).	
Procurement process					
R14. Strengthen our processes to access and utilize knowledge of Commissioners and potential providers – KCC should consider within the current Tendering process and complying with procurement law how KCC can strengthen our understanding of the local knowledge and experience of organisations, for example by incorporating: - visits to existing services of potential providers - reflecting knowledge of past performance/experience of working with a provider, both good and not so good.	KCC's commissioning framework will set out our required standards and principles throughout the commissioning cycle and will place equal importance on the review element of the cycle. Commissioners will be expected to review the performance and effectiveness of commissioned services and use this intelligence to inform re-commissioning of services and future service specifications. This should also include using the experience of other local authorities where providers have already undertaken similar	Ongoing from Autumn 14	<ul style="list-style-type: none"> • Procurement • Commissioning 	KCC's commissioning framework sets out our required standards and principles throughout each stage of the commissioning cycle and we continue to review progress. There are examples of good practice where pre-market engagement is being used to understand the impact of potential commissioning choices for example in Adult Transformation phase 2 and Learning Disability Residential providers. Spending the Councils Money (the rules that must be followed when	Ongoing

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	services on their behalf.			purchasing goods and services for The Council) have been simplified and will be published on the external web site in the next few weeks	
R 15. Simplify and standardise procurement processes further to remove or minimise procurement process barriers by: - introducing reduced and less onerous requirements for low value contracts (e.g. financial evidence – self certification/documentation for low risk/low value followed by a more detailed analysis if proceed to award stage, proportionate pre papers or discontinuing PQQ where appropriate) - simplifying and standardising the core and online PQQ, retaining the flexibility to add additional questions for more	We agree with the principles set out and will look at how these issues will be addressed and the viability within the Phase 2 review of procurement.	Ongoing from summer 14	<ul style="list-style-type: none"> • Procurement • Transformation Team 	<p>Under the new EU regulations the PQQ stage has been abolished for all contracts below the EU threshold. However KCC have already adopted a risk based approach to procurement, only requiring appropriate financial evidence if at all subject to risk. We have been leaders in local government in using the Dynamic Purchasing System (DPS) and the new</p> <p>The new EU regulations allow for a much more light touch regime for previously Part B services with a higher</p>	Ongoing

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<p>complex service areas</p> <ul style="list-style-type: none"> - better co-ordination of Commissioning and co-ordinating the diary of tenders across KCC where possible and introducing a plan of tenders - giving earlier notice of intention to put contract out to tender and more time for the completion and submission of tenders. 				<p>threshold of EUR 750,000. Whilst the details of the UK's light touch regime is not yet fully known this does provide an opportunity to carry out a far less onerous process for those services which come under the banner of 'social services'. Furthermore there is also scope to reserve contracts for services under the light touch regime (social services) to mutual and social enterprises including some VCS organisations and carrying out a light touch regime in this this respect. It is therefore recommended that we review progress once the new regulations are fully embedded.</p>	
R 16. Promote opportunities to VCSE and SMEs through publication	Whilst we understand the principle and reason for lower value contracts,	On going	<ul style="list-style-type: none"> • Procurement 	As stated officers already have the ability to purchase or contract	Delivered

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
of lower value contracts (i.e. £5K) and greater transparency regarding low value contracts that are available.	Spending the Councils Money already allows officers to purchase or contract services under £8k without 3 quotes and without the need for a disproportionately resource intensive process. However we agree that this should be done in a transparent manner; procurement should ensure that they hold the intelligence on a range of VCSE and SME provider and can offer advice on who can provide these lower value services. They should also ensure that lower value contracts over £5k are reported.			services under £8K without 3 quotes and procurement have provided updated guidance since the introduction of the new public contracts regulations. Contracts are recorded on the Kent Business portal.	
R 17. Reflect Social Value sufficiently in our procurement decisions – need to actively consider how much of each procurement decision should be assigned to Social Value, and not only	KCC is committed to considering social value within our commissioning however there are limitations to the Social Value Act which must be acknowledged. The Act only applies to public	Ongoing	<ul style="list-style-type: none"> Commissioning Procurement 	Whilst we have made much progress on social value embedding it within our commissioning framework and consistently across our strategies and policies such as our Strategic	Ongoing

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between price and quality.	<p>services above the relevant monetary thresholds in the Public Contracts Regulations (2006) whether they fall under Part A or B of those regulations, this is £173,934. However we will ensure that social value is considered in all commissioning exercises where it is relevant to the service being commissioned, irrelevant of contract value, to ensure that community benefits are maximised. It is therefore for operational commissioners to determine how they will recognise social value where appropriate and evidence it on a case by case basis during the pre-procurement process. We will expect all commissioning specifications, where appropriate to evidence</p>			<p>Statement and VCS policy, we recognise that this is an area which will continue to evolve. The measurement of social value and return of investment is being developed nationally and we will continue to develop our approach locally, although this must be done through our commissioners on a case by case basis and alongside the VCS in particular. Furthermore through robust pre market engagement we can define social value relevant to the service in question.</p> <p>An operational commissioner's toolkit has not been developed however KCC's commissioning toolkit gives guidance on how social value can be factored into procurement processes.</p>	

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	<p>how social value has been considered and what is being recommended in the specification with regards to social value. This must be relevant to what is proposed to be procured.</p> <p>A social value toolkit is being developed by operational commissioners which will offer guidance to commissioners about how social value can be considered and evidenced within the procurement process. This will need to be clear and transparent so that all potential providers, regardless of the sector can demonstrate their added value.</p>			We will continue to review if anything else is required over and above this.	
Support to develop the market and build capacity					
R 18. Actively consider how best to support the development of the market and build capacity,	KCC is committed to supporting the growth of SME's and the VCS and values the vital role they	Winter 2014	<ul style="list-style-type: none"> • Policy • Commissioning 	KCC is currently consulting the VCS on its Voluntary and Community Sector	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
particularly how best to provide support to VCSE and to SMEs.	play in Kent. However we also recognise that the local authority must act within procurement law. Adult social care's recent purchase of a short term (18 month) market development service to support the VCS is welcomed. However it is important that we consider the support needs right across the VCS, therefore we will be reviewing our support to the sector as part of the development of our VCS Policy. This will require us to review the existing infrastructure support which is funded through KCC and how this can best meet the future needs of the VCS sector.			Policy, which includes setting out our future relationship and engagement with the sector and a review of support provided to the sector. This is defined both in terms of support to the wider VCS and those parts of the sector that deliver services on behalf of KCC and in this sense KCC's role in developing the market. Adult social care and public health have funded for the past 18 months a time limited programme of market development support to the VCS sector which is intended to support the sector within a commissioning authority model and to effectively engage in procurement. The evaluation of this programme will be used to inform future market development support	

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				and the VCS policy will define the principles which will underpin our future offer of support.	
Contracts and grants					
R 19. Break down larger contracts into smaller lots, wherever practical.	Whilst it is right that commissioners consider the most appropriate process for securing the best outcomes and best value for residents it will not always be appropriate or cost effective to break contracts down into smaller lots. In some cases a grant arrangement may be more appropriate for small scale niche services and the development of our VCS Policy will help to set standards around the use of grants and contracts with the VCS.	Autumn 2014	<ul style="list-style-type: none"> • Policy • Procurement 	<p>The new Public Contracts Regulations do encourage contracting authorities to break contracts into lots to facilitate SME participation. However, whilst the flexibility of breaking contracts down into lots is welcomed and KCC has been actively doing this where appropriate, our approach to lots needs to be without bias and carefully considered on a case by case basis so as to avoid perverse consequences for example destabilising geographical coverage of services.</p> <p>In recognition that in</p>	Ongoing

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				some cases a grant arrangement may be more suitable, the VCS policy is currently out for consultation and sets out a grant framework which will underpin all our future grant funding. This will provide consistency in our approach and ensure our grant funding is transparent. The Policy will be agreed by early Autumn 15.	
R 20. Requirement for prompt payment terms all the way down our procurement supply chain continues to be built into contracts; and improve monitoring of this requirement to ensure compliance.	KCC now has a target for paying contractors in 14 days which has been delivered within 90% of contracts. We recognise that there is always room for improvement and the importance of prompt payment in particular for SME's and VCS organisations who have limited access to credit. We will therefore, through our procurement department put in place	On going	<ul style="list-style-type: none"> Procurement 	Prompt payment of sub-contractors is being incorporated into all of our new contracts and is a requirement of The Public Contracts Regulations 2015. Good contract management is required to ensure that the agreement is complied with.	

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	plans to ensure that delivery upon this target continues to improve.				
R 21. Recognise there is a clear role for 'smart' grants that are innovative, and outcome based. Need to ensure that their use is transparent and are time and task specific, and monitored /evaluated for success.	KCC recognises the value of grant funding in supporting the vital role of the VCS in Kent. We are developing a VCS policy which will set out principles and standards around our engagement with the sector, including setting out standards around the appropriate use of grants and contracts. By having a standardised approach to grants and a transparent process in place we will be able to monitor the impact of our funding and provide clarity to the sector about the use of grants. It will be for commissioners to ensure that they are operating in accordance to these principles and that we are using the most effective and appropriate funding	Autumn 14	<ul style="list-style-type: none"> • Policy • Commissioning 	<p>As set out under R19 KCC's VCS policy sets out our commitment to grants and establishes a grant funding framework and criteria for all future grants. This will enable a consistent approach to grants and ensure that all grant funding is transparent. This is currently out for consultation with the sector.</p> <p>An annual assurance report will be taken by Corporate Policy to Cabinet to ensure that all our grant funding awarded by Commissioners, is linked to our strategic outcomes and upholds the principles within the policy.</p>	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
	mechanism for each of our services.				
R 22. Improve the capabilities to performance manage contracts; and ensure the capacity to monitor and evaluate performance and support improvement when appropriate.	The management of contracts is integral to the success of a commissioning authority and we already have examples of good practice within the local authority, for example Highways. However we recognise that this is an area where we need to strengthen our skill se. It is essential that the contracts put in place are of a high quality and enable the authority to act when standards are not being met or to improve performance when needed through the close monitoring of contract delivery.	On going	<ul style="list-style-type: none"> • Commissioning • Procurement 	<p>An e-learning module on commissioning and contract management has been developed and is now available for all staff, which highlights the importance of effective relationships between KCC and its providers. In addition an in-depth contract management training programme has been developed for all contract managers, to develop skills in commercial acumen, developing effective relationships, and managing contracts effectively.</p> <p>Furthermore the Business plans for 15/16 provide information on whether services are provided in-house or contracted out. This information has enabled</p>	Delivered

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				Members to call in services to Committee and look at the contractual arrangements and management.	
R 23. Stipulate that all contracts have clearly scheduled performance reviews and evaluate outcomes/outcome evaluations – for instance ensure contracts have schedule of reviews.	KCC agrees that the review function is vital; effective commissioning authorities use their data analysis information and expertise to test and question the effectiveness of services at regular intervals. This can lead to ‘fine tuning’ or even major changes to specifications before re-commissioning, to learn from what has worked and not worked. It is also recognised that we need to focus our contract management and evaluation on outcomes rather than outputs and this is something we will take forward.	On going	<ul style="list-style-type: none"> Commissioning 	Procurement have developed a Contract Management Guide and an Operations Manual Template which should be jointly completed by the Procurement Lead and the Contract Manager with the details of review meetings and methodology for ensuring compliance to contracts.	
R 24. Complete the Contracts register to	We agree with this recommendation and will	Early 2015	<ul style="list-style-type: none"> Procurement 	KCC intend to maintain a list of all contracts over	Ongoing

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include all contracts over 50k – and include details of the named contract manager, and Lead Director	take this forward as a matter of urgency. The Local Authorities (Data Transparency code) will become mandated when regulations under section 3 of the Local Government, Planning and Land Act 1980 come into force. This will require the local authority to publish details of any contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000. This will need to include a range of information including details of the goods or services being provided and the department responsible and whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation.			<p>£50k on the Contract Register, moving forward suppliers when registering on the portal will be able to confirm whether they are an SME or a VCS organisation, currently we report SME and VCS spend by analysing our spend data on an annual basis.</p> <p>Given the size and scale of KCC business, assessment of the cost-benefit of compliance under the Transparency code in relation to contracts (spending) over £5K is underway. This will be considered by Corporate Directors in due course.</p>	

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	Procurement will be putting in place plans to ensure that this information is collected and made available.				
R 25. Manage internally provided Services with as much rigour for outcomes, and performance management as other providers.	As set out in our Whole Council Transformation paper in 2013, KCC as a commissioning authority must have a strong understanding of the outcomes it wants to achieve and the capability of providers including in-house to deliver these. In-house providers will therefore have to compete to deliver contract specifications with external suppliers, with no differentiation in the way our contracts are managed between internal and external providers.	On going	<ul style="list-style-type: none"> Commissioning Performance and Risk 	The County Council approved Commissioning Framework makes clear that we expect internal services to be managed with as much rigour as external services. Different parts of KCC currently have different ways of doing this and as such a review is currently underway to establish how we can ensure more robust mechanisms for testing the value for money of our internal services.	Ongoing
Member role					
R 26. Further work is undertaken to the member role and what mechanism would best strengthen	The May 2014 County Council paper accepted that further work on the role of the Member in a	December 2014	<ul style="list-style-type: none"> Policy 	Following the Select Committee a cross party working group was established and	Aspects delivered but ongoing

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member oversight of commissioning, procurement and contract management; and member involvement earlier in the process and pre market engagement; and members are supported through training.	commissioning authority was urgently needed, and to that end the Leader has established a cross party Member Working Group on Commissioning, chaired by Eric Hotson, which will examine the key issues raised in this recommendation, and which will report back through Selection and Member Services Committee to County Council. The Group will also consider the appropriate training required for Members in a commissioning authority. It is expected to report its final recommendations before the end of the year.			considered the role of Members in a strategic commissioning authority. This met four times through July to October 2014. This group reported to County Council in October and concluded that Cabinet Committees were not sufficiently developed to be able to undertake an extensive role in commissioning, and therefore recommended that a Commissioning Advisory Board (CAB) be established to undertake this role. Its focus is on allowing non-executive members the opportunity to scrutinise commissioning decisions in depth as early as possible in the commissioning cycle, with Cabinet Committees focusing on examining contract and performance of	

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				<p>contracts. County Council agreed to review CAB at the end of 12 months, in autumn 2015 to determine whether CAB should continue in its current or a revised form or whether alternative arrangements might be more appropriate. This is still the intention.</p> <p>The Directorate Business plans now set out for the first time, which services are delivered in-house, which services are delivered by external providers and when the contracts end. It is hoped that this transparency will provide members with the information they need to request reports through relevant Cabinet Committees on the performance and evaluation of contracts and scrutinising both commissioners and</p>	

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				<p>providers for contract delivery.</p> <p>In a relatively short life span CAB has considered a number of transformation and commissioning issues including Property LATCO proposal/business case, proposal for a Library Trust and the business case for the back office procurement exercise, to name but a few.</p> <p>However one of the main aims of the group has been to build a stronger and direct working relationship with commissioning officers.</p> <p>A number of bespoke training events and briefings on aspects of the commissioning process have been arranged and will continue to be organised and repeated to support</p>	

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				<p>elected Members. Last Autumn over 60 members attended a sessions delivered by INLOGOV on what it could mean for an elected member as the Council moved towards a Commissioning Authority. Other sessions have also been held on procurement, the various models of service delivery and shortly some sessions on performance management of contracts will be provided. The cross party Member Development Steering Group has recently started a dialogue with officers in Organisation and Development and Democratic Services to determine those skills or aspects of member development an elected Member will need for</p>	

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				discharging this role. One of the modules of the Workforce Development Plan for developing a commission ready workforce is a workshop for all Members and Corporate Directors to enable a joint understanding of our ambition to become a strategic commissioning authority.	
Social Value					
R 27. To maximise and give greater recognition to Social Value, incorporate consideration of social value questions in tender evaluation criteria and procurement decisions where possible, and develop a Social Value Charter.	<i>Refer to action under recommendation 17.</i>	Autumn 2014	<ul style="list-style-type: none"> Commissioning 	See update to R17	

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