By: Gary Cooke – Cabinet Member for Corporate and Democratic Services

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To: County Council – 16 July 2015

Subject: Select Committee Topic Review Update – May 2013- July 2015

Classification: Unrestricted

Introduction

1. (1) The Select Committees are widely recognised as one of the successes of the Overview and Scrutiny function.

- (2) Both Executive and non-Executive Members have recognised the benefits of the Select Committee process. From a non-Executive point of view it provides the opportunity to look at a topic in depth and the majority of Members have found this process very rewarding as it has enabled them to influence Kent County Council policy. From an Executive Member point of view, Select Committee reports have added strength to portfolios and provided outcome focused recommendations on key issues.
- (3) Select Committees are sub-committees of the Scrutiny Committee, comprising non-executive Members who have had a major influence on national and local policy. The quality of Select Committee reports has been recognised within Kent and beyond.

Topic Reviews 2013-2015

- 2. (1) There have been two Select Committee topic reviews completed during this period. These are:
 - (a) <u>Select Committee on Kent's European Relations</u>, which was chaired by Mr A J King, MBE and submitted its report to County Council on 27 March 2014.
 - (b) <u>Select Committee on Commissioning</u>, under the Chairmanship of Mr M Angell, which submitted its report to County Council on 15 May 2014.

Monitoring of Select Committee recommendations

- 3. (1) Set out in the Constitution is an agreed process for monitoring Select Committee recommendations, which has been developed over the past 12 years with the aim of ensuring that the outcomes from the Select Committee are embedded within the work of the Directorates and Portfolios.
- (2) In accordance with the agreed process, each of these Select Committees is due to meet or has met to consider in detail the progress made on their recommendations, approximately one year after each report was considered by County Council.

- (3) Attached as **Appendix 1** is the progress made to date on each of the recommendations of the Select Committee on Kent's European Relations. This will be considered by the Select Committee when it meets on 28 July 2015.
- (4) **Appendix 2** is the progress made to date on each of the recommendations of the Select Committee on Commissioning. This was considered by the Select Committee on 30 June 2015
- (5) In both cases it is recommended that consideration is given to ongoing monitoring of these recommendations by the Select Committees, under the oversight of the Scrutiny Committee, on a six monthly or annual basis.

Highlights

4. (1) The County Council should celebrate achievements made through the Select Committee process. Set out below are some highlights from the two reviews, which demonstrate their importance and the impact they have had on the policy of the County Council and its partner organisations.

Kent's European Relations

Recommendation

(2) "That the International Affairs Group (IAG) works to maximise funding, activity and projects from the South East Local Enterprise Partnership's (LEP) European Programme and supports the commissioning process for KCC, Kent and Medway projects through that programme." (R1)

Outcome

(3) Establishment of a project pipeline – "IAG has worked with Directorates and other partners to develop a pipeline of KCC and Kent projects for submission to the South East Local Enterprise Partnership European Structural and Investment Funds growth programme and the other EU programmes for which the county is eligible in 2014 – 20. A significant number of project applications have already been submitted this year or are in preparation for upcoming calls from within the pipeline of Kent projects."

Commissioning - "Better Outcomes, Changing Lives, Adding Social Value"

(4) The recommendations from this Select Committee have played an important role in providing Member input at an early stage into the development of key documents, such as "Increasing Opportunities, Improving Outcomes", the Commissioning Framework and the draft Voluntary and Community Sector policy

Recommendation

(5) "That further work is undertaken to the Member role and what mechanism would best strengthen 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." (R26)

Outcome

(6) This recommendation led to the establishment of the Commissioning Advisory Board, which has provided the opportunity for non-Executive Members to consider in detail and have an input into commissioning proposals at an early stage.

Current Select Committee work programme

5. (1) In December 2014 the Scrutiny Committee agreed its Select Committee work programme. Currently, the Select Committee on Corporate Parenting is completing its evidence gathering. Once this Select Committee has presented its report to County Council the next Select Committee will be on Energy Security.

RECOMMENDATION

6. The County Council is asked to note the report, celebrate the impact and added value that the outcomes of the Select Committee reports provide for Kent residents and agree that further monitoring of the recommendations from these two Select Committees be carried out either on a six monthly or annual basis, as considered appropriate by the Select Committee.

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Background Documents – KCC Select Committee reports

<u>Select Committee – Kent's European Relations</u>

Select Committee Recommendations	Proposed Actions	Progress to date	Status
R1 That: • International Affairs Group (IAG) works to maximise funding, activity and projects from the South East Local Enterprise Partnership's (LEP) European Programme and supports the commissioning process for KCC, Kent and Medway projects through that programme	We will work with our LEP partners and government to ensure that governance processes, including commissioning, project selection and partnership arrangements, enable Kent and Medway to maximise their funding from the SELEP programme IAG to highlight opportunities to KCC Directorates and other organisations	IAG has worked with Directorates and other partners to develop a pipeline of KCC and Kent projects for submission to the South East LEP ESIF programme and the other EU programmes for which the county is eligible	Ongoing
 The LEP delivery architecture includes the involvement of an appropriate rural organisation so that the rural priorities of the county will be pursued as an integral part of Kent and Medway's overall objectives for growth. KCC lobbies central government to ensure that it accesses appropriate EU national funding streams for rural issues and the EU Solidarity Fund in relation to recent floods 	 We will develop bespoke 'Opt-in' arrangements with UKTI South East for the delivery of business support services and with other agencies, such as SFA and MAS, where appropriate We will secure appropriate Kent & Medway rural representation on the SELEP EU Delivery Group, and develop a new EU Rural Development LEADER programme for East Kent We will seek funding for rural activities from the EAFRD under the SELEP EU programme (KCC also wrote to DCLG in January 2014 urging the government to explore an application to the EU's Solidarity Fund in respect of flood damage). 	projects.	Complete but keep under review
R2 That: • International Affairs Group (IAG) updates KCC's International Strategy:	We will revise the International Strategy to reflect the recommendations of the Select	An updated European Strategy 2014-20 has been drafted which reflects the recommendation of the Select Committee	Complete

'Global Reach Local Benefit' in concert with the Local Enterprise Partnership EU Structural Investment Funds Strategy for the South East and the Kent and Medway Local Growth Plan, taking account of and noting the recommendations of this report and that • In addition, IAG produce or commissions EU funding guidance for the 2014-20 funding programme.	Committee, as well as incorporate new opportunities from the new programmes Structural Funds 2014-20, business and trade activities, and the refocusing of the Hardelot Centre and Kent Brussels Office • A Guide to Key Thematic Programmes has been produced (February 2014). This will be revised to incorporate the other new programmes, such as Interreg, once they are finalised.	Report including priorities for: - Securing EU Funding - Boosting Kent's Business and Trade - Ensuring International rail connectivity - Maintaining and developing local and European partnerships where these support the development of funding bids or support policy learning and best practice • A Guide to Thematic Programmes has been produced together with internal Fact Sheets and guidance on other programmes such as Interreg	Complete
R3 That: • International Affairs Group prioritises its partnership development function, increasing its capacity to maintain and develop the relationship with local and European partners; businesses and Members of the European Parliament in the South East to maximise the potential for EU funding.	 Staffing of the Hardelot Centre (See R4) will be restructured to enable the current Acting Manager to fulfil her core function as IAG's European Partnerships Manager KCC will sign an MOU with West Flanders as a key partner in the new EU programming period 2014-20 The Kent Brussels Office will relocate to the offices of Nord-Pas de Calais, our most longstanding European partner, as part of a strengthened relationship with NPDC (see R5 below). 	Partnership development has included: The signing of a Memorandum of Understanding with West Flanders In Ypres on 28 March 2014 Co-location of the Kent Brussels Office with the region of Nord-Pas de Calais. This will be Strategically advantageous to KCC in terms of Joint project development and NPDC is Managing Authority for several of the new EU funding programmes for which Kent is eligible in 2014-20	Actioned and ongoing
R4: That • The Hardelot Centre is developed as a flagship link between South East England and Northern France: that solutions are sought for an increase in accommodation to enable a diversification of use (with a focus on language skills, cultural awareness and exchange) to foster Anglo-European partnerships and maximise trading opportunities for Kent	 A Full Options Paper including associated business cases and relevant facts and figures to be prepared. 	Developments at Hardelot have been focussed on reducing expenditure and increasing income to make the Centre financially self-sufficient. This is being achieved through staff restructuring, renegotiation of utility contracts, tighter financial management, a reduction in food waste and more effective marketing to increase bookings. The Centre's business plan for 2015/16 contains the aim to break-	Actioned and ongoing

businesses in Region Nord-Pas de Calais and further afield.		The Hardelot Centre is currently part of a process of competitive dialogue with external bidders as part of EduKent's procurement exercise for its Schools Services. This could offer a solution to the accommodation issue amongst other benefits. A decision on whether or not to award an external contract is expected by the autumn.	
R5 That: • The role of KCC's Brussels Office is strengthened and refocused towards policy, influencing and the provision of guidance to KCC and Kent organisations with a particular emphasis on accessing EU Thematic funding and new Interreg funds for the benefit of Kent and its residents.	 The Brussels Office will develop a detailed Work Programme and engage further with Directorates and reflect key corporate priorities in its work programme, in particular those that can be progressed through EU policy or funding activities. A hub for project development will be created with Nord-Pas de Calais Regional Office in Brussels, focusing particularly on thematic programmes such as Horizon 2020, Erasmus+ and the Connecting Europe Facility. A programme of seminars in Brussels on Kent's policy objectives will build on key partnerships and opportunities for project development. 		Actioned and Ongoing
R6 That: • KCC ensures it has sufficient staff resources to optimise the development and implementation of EU funded projects (with, as a minimum, a leading role in each of the three new directorates).	An assessment of resource needs will be carried out including the potential for 'call-off' arrangements for bidwriters and the recruitment of a European Project Facilitator within IAG to support KCC Directorates with project development, technical support, bid-writing support and project implementation.	 Lead contacts for project development have been identified within GET, SCHW and EYPS. Directorates will also need to build strong project management capacity working closely with IAG and the External Funding and Specific Grants Team. 	Ongoing
R7 That: • KCC ensures International Affairs Group and EU project officers are	IAG will use such options wherever available and feasible.	KCC ISG has advised that standard Skype is 'an insecure means of communication and'	Not actioned

enabled to take advantage of free/low cost communication options (e.g. Skype) in order to maximise cost effective communication/engagement opportunities with EU partner organisations.		•	that, even where the intention was to use it as a channel for non-sensitive information, use would result in broadcast of infrastructure data classified as 'official' by CESG and the Cabinet Office.' Teleconference facilities are, however, increasingly being used for partnership and project development meetings as an alternative to travel. Communications options are also being considered as part of actions under Recommendation 8 below.	
R8 That International Affairs Group and KCC as a whole: • Seek to raise further the profile of Kent's international work to date and of the future opportunities from EU funding • With local partners, seek creative ways to publicise successful EU funded projects in Kent/within the South East Local Enterprise Partnership area, including through the building in of publicity measures and costs into future funding bids as part of the projects' communication strategies.	Directorates will be supported to strengthen the publicity element of their projects and Corporate Communications utilised more effectively to publicise EU project success stories.	•	Discussions are currently underway with KCC Corporate Communications to develop appropriate internal and external communication strategies including branding and channel development e.g. via social media etc. together with a 'customer mapping' exercise.	Ongoing
R9 That KCC seeks, through EU project work, partnerships and trade development activities: • To maximise export opportunities for Kent businesses, aiming to close the 2% gap between businesses that export in Kent and Nationally • To promote Kent as an attractive location for businesses in Europe and further afield	 KCC will continue to play a strategic role in coordinating International Trade support activity through the Kent International Business (KIB) initiative. IAG will progress 'Opt-In' arrangements with UKTI South East which provide value for monthly and are tailored to deliver our local priorities and meet local business needs. 	•	Several new KCC EU projects in support of SME business and trade have been developed for submission to the new EU programmes inc: - 'Innovative Sector Exchange' (Interreg 2-Seas) - Kent and Medway Trade Development (SELEP ESIF) - 'Internationalisation of SMEs' (Interreg Europe)	Ongoing

	•	IAG will develop and submit a bid for a follow-up project ('ISE' - Innovative Sector Exchange) to the successful "2 Seas Trade" project under the new Interreg programme 2014-20.		
R10 That: • KCC continues to make the case for improved international rail connectivity at both Ashford and Ebbsfleet, supported by the business case for Transmanche Metro which is due to be published later this year. • The Select Committee would like to express strong support for the Ashford Spurs signalling project for which KCC is the lead authority, and which is at an advanced stage of development with most of the funding committed for the planning and design stage, since Ashford must be assured of future international rail connectivity in order to benefit the people of Kent and Kent businesses.	•	KCC will follow up the Strategic Business Case submitted to government for investment at Ashford station Kent Brussels Office and KCC transport officers will seek financial support from European programmes for Phase 2 of the Ashford Spurs development. Following meetings with Network Rail and the European Commission in May 2014, the feasibility of a bid to the EU's Connecting Europe Facility will be examined for funding the implementation phase of the project. KCC will continue to make the case to Eurostar for the further use of Kent's International Stations.	The final Business Case for the Transmanche Metro Project will be presented at the Final Regions of Connected Knowledge (RoCK) project conference in Brussels on 17 June 2015. The Business Case has concluded that there was a commercially viable case for more connections between Kent and Nord-Pas de Calais An application to the EU 'Connecting Europe Facility' was submitted on 23 February 2015 for a project worth €5.3 million requesting just under €2.7 million in EU support for the resignalling of Ashford Spurs. This complements the match-funding to be provided through the SELEP Growth deal. If successful the finance will be made available for a period between March 2016 and March 2018	Actioned and ongoing

Select Committee - Commissioning

Commissioning Landscape					
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. By work will sup econom bias. Th VCS and recognis appropring the service make in on service will be lecan import of our communication.	striving to be an ant commissioning ty, this means ocused on the y of our strategic les, having a strong tanding of the ler needs and that sider all options in y to get the best is that are value for for our residents. It is that are value for our residents. It is that are	Early 2015	 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 improve the pre-market engagement stage of the commissioning cycle and to ensure that all our	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
	during the early commissioning stages.			robustly appraise all delivery options.	
KCC as an excellent commissi	oner				
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 about what good commissioning will look like for KCC.	April 2015	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
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.	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	Early 2015	 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-	Ongoing

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	to define clearly our Commissioning and procurement functions and make a distinction between commissioning and the role of service managers. 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 and responsibilities at each stage of the cycle. It will also illustrate the resources available to commissioners to draw upon.			going.	
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	Ongoing	 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	Delivered

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	intentions. Whilst subcontracting can be a useful and effective way of commissioning services we recognise that we must put mechanisms in 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 subcontracting and consortia arrangements.			relationships, and managing contracts effectively and has been delivered to 83 managers with more courses to follow. 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. 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. 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 collaborative relationships in the future.	

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
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	 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 and measures where appropriate.	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 improve our evaluation with regards to qualitative analysis. We also support that wherever possible outcome measures should be co-produced. The development of a Strategic outcomes framework will provide the foundation for aligning commissioning objectives of clients and services to	On going	 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 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	Ongoing

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	the strategic outcomes KCC wants to achieve as a county at a population level. 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.			based approach will require us to have a stronger focus on evaluation and we recognise that this is something we must improve upon. 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 approach enables greater accountability. 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	

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				commissioning activity.	
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 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.	April 2015 and ongoing	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 suggest progress should be reviewed routinely. This will be a specific focus of the new Business Intelligence and Development division currently being recruited to.	Ongoing
Engagement and Communicat					
R 8. Provide more opportunities to co-design and co-produce services	The development of a KCC commissioning framework will set out the principles		Commissioning	The commissioning framework sets out our commitment to	Ongoing

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where appropriate, to capture the value of what organisations are already doing, and ideas to innovate.	underpinning our commissioning including our commitment to involving residents in the co-production of 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.			community engagement and co-production within all our commissioning, although the best way of achieving this should be 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 flexible to ensure that we do not limit the innovation of providers. Our commissioning framework will recognise this balance but there will always need	Autumn 2014	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 which received very positive responses from local providers. However we recognise that our pre- market engagement	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
	to be an element of judgement made by the commissioner to ensure that we get the right specifications and better contracts as a result.			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 principles of coproduction 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.	On going	• 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

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
	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 for changes, levels of awareness.	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 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.	On going	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 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. All 2015/16 business plans contain a timeline of commissioning intentions for each Directorate and these will	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
				be published online to provide visibility of KCC's commissioning intentions, thereby giving providers as much notice as possible of potential 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	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	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 subcontract opportunities posted (this needs to increase) Additionally we now have suppliers seeking partners through the	

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				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.	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 services on their behalf.	Ongoing from Autumn 14	 Procurement 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 premarket 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 purchasing goods and services for The Council) have been simplified and will be published on the external web site in the next few weeks	Ongoing
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	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	ProcurementTransformationTeam	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	Ongoing

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Recommendation (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 complex service areas - 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.				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 The new EU regulations allow for a much more light touch regime for previously Part B services with a higher 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	

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
R 16. Promote opportunities to VCSE and SMEs through publication of lower value contracts (i.e. £5K) and greater transparency regarding low value contracts that are available.	Whilst we understand the principle and reason for lower value contracts, 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.	On going	• Procurement	embedded. As stated officers already have the ability to purchase or contract 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.	Delivered
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 between price and quality.	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 services above the relevant monetary thresholds in the Public Contracts Regulations (2006) whether they fall under Part A or B of those	Ongoing	 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 Statement and VCS policy, we recognise that this is an area which will continue to evolve. The measurement of social value and return of	Ongoing

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Recommendation	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 preprocurement process. We will expect all commissioning specifications, where appropriate to evidence 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. 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			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. 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. We will continue to review if anything else is required over and above this.	

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	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.				
Support to develop the market	and build capacity				
R 18. Actively consider how best to support the development of the market and build capacity, particularly how best to provide support to VCSE and to SMEs.	KCC is committed to supporting the growth of SME's and the VCS and values the vital role they 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.	Winter 2014	Policy Commissioning	KCC is currently consulting the VCS on its Voluntary and Community 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	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	evaluation of this programme will be used to inform future market development support and the VCS policy will define the principles which will underpin our future offer of support.	Status
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	Policy Procurement	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. In recognition that in some cases a grant arrangement may be more suitable, the VCS policy is currently out for consultation and sets out	Ongoing

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1 (000)				a grant framework which will underpin all our future grant funding. This will provide consistency in our approach and ensure out 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 plans to ensure that delivery upon this target continues to improve.	On going	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.	
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	Autumn 14	PolicyCommissioning	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	Ongoing

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recommendation	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 mechanism for each of our services.			currently out for consultation with the sector. 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.	
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	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 for all contract managers, to develop skills in commercial acumen, developing effective relationships, and managing contracts effectively.	Delivered

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recommendation				Business plans for 15/16 provide information on whether services are provided in-house or contracted out. This information has enabled 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	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 include all contracts over 50k – and include details of the named contract manager, and Lead	We agree with this recommendation and will take this forward as a matter of urgency. The Local Authorities (Data Transparency code) will	Early 2015	Procurement	KCC intend to maintain a list of all contracts over £50k on the Contract Register, moving forward suppliers when registering on the portal	Ongoing

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Director	become mandated when regulations under section 3 of the Local Government, Planning and Land Act1980 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. Procurement will be putting in place plans to ensure that this information is collected and made available.			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. Given the size and scale of KCC business, assessment of the costbenefit 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.	
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-	On going	 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	Ongoing

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
recommendation	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			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.	
Member role	external providers.				
R 26. Further work is undertaken to the member role and what mechanism would best strengthen 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.	The May 2014 County Council paper accepted that further work on the role of the Member in a 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.	December 2014	• Policy	Following the Select Committee a cross party working group was established and 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	Aspects delivered but ongoing

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	Proposed Actions	Timescales	Responsible owner	possible in the commissioning cycle, with Cabinet Committees focusing on examining contract and performance of 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. 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	Status
				providers for contract delivery. In a relatively short life	

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	Proposed Actions	Timescales	Responsible owner	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. However one of the main aims of the group has been to build a stronger and direct working relationship with commissioning officers. 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 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	Status
				have also been held on procurement, the various models of service	

Select Committee Recommendation	Proposed Actions	Timescales	Responsible owner	Progress to date	Status
				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 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	Refer to action under	Autumn 2014	- Commissioning	Soc undate to P17	
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.	recommendation 17.	Autumii 2014	Commissioning	See update to R17	