



**Open Report on behalf of James Drury, Executive Director - Commercial**

Report to:	<b>Executive</b>
Date:	<b>07 April 2021</b>
Subject:	<b>Draft One Council Commissioning Framework</b>
Decision Reference:	<b>I021971</b>
Key decision?	<b>No</b>

**Summary:**

This Council has an opportunity to set out its ambition for commissioning, enabling us to fulfil the expectations of our communities through delivering our Corporate Plan.

Our One Council Commissioning Framework outlines our definition of commissioning and our vision, aim and principles.

This report provides the draft One Council Commissioning Framework in Appendix A, following extensive engagement with officers across the Council and feedback from the Corporate Leadership Team (CLT) and senior members.

**Recommendation(s):**

That Executive approves the One Council Commissioning Framework, as set out in Appendix A.

**Alternatives Considered:**

Retain the existing approach to commissioning with no change.

The advantages would be;

- It is reasonably well understood.

The disadvantages would be;

- It denies us the opportunity to add to and improve our approach.
- It prevents us from more closely reflecting the Corporate Plan in a One Council approach.

**Reasons for Recommendation:**

The proposed new Commissioning Framework creates a vision and an ambition for Council commissioning closely aligned to the Corporate Plan and puts residents at the centre of what we do. At the same time it retains the key strengths of the current approach and benefits from consideration of the approaches taken by other authorities.

**1. Background**

- 1.1 In 2020, the Council undertook a piece of work with external consultants, Impower, to review the current commissioning model and overall approach in use across the Council to consider how current commissioning practices could be more effective. This was partially in response to the Peer Review in December 2019 which found that commissioning activity within the Council could be improved by placing it in a 'One Council' corporate context. The Impower work also noted the scope for having a consistent and common ambition for and approach to commissioning.
- 1.2 Currently the Council has a definition of what commissioning is and some principles which underpin it have not been reviewed for a number of years. There is no commissioning vision or overall objective and it does not reflect the Council's Corporate Plan.
- 1.3 An officer Strategic Advisory Group on commissioning was set up with a senior representative from each Directorate. Each Directorate representative also established a Working Group of officers to enable cross Council engagement in the project.
- 1.4 The Strategic Advisory Group was asked to propose a new commissioning framework and reviewed the work of other Councils who had looked at commissioning recently and found some common themes including:
  - The continued use of the Analyse, Plan, Do, Review model.
  - A focus on outcomes and evidence based decision making.
- 1.5 A One Council Commissioning Framework has been drafted to set an inclusive ambition and to establish a commissioning vision and overall objective and core principles and is attached at Appendix A.
- 1.6 The Framework retains some of the existing Council approach such as the four stages of commissioning (Analyse, Plan, Do, Review) and relevant elements from other authorities. However the biggest influence has been the Council's Corporate Plan and the proposed new commissioning framework closely mirrors that with an increased emphasis on listening, collaboration and partnership, supporting local business and the environment.

## 2. Legal Issues

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The draft Commissioning Framework sets out the guiding vision and strategic ambitions for commissioning across the Council. It is expected to impact positively on people with a protected characteristic as set out below. No negative impacts on people with protected characteristics have been identified and this will be in part because of the overarching nature of the Framework. It is more likely that these will be identified as a result of specific commissioning activity under the Framework and at that time due regard to the Council's equality duties will be given.

The creation of a new One Council Commissioning Framework, establishing a vision, aim, key principles and defining commissioning in the context of the Corporate Plan will link commissioning more closely to delivery on the key strategic ambitions of the Corporate Plan, many of which are aimed at improving outcomes for older people and young people and those with a disability. At the same time under the proposed One Council Commissioning Framework the Council is committed to improving services to service users any of whom may have protected characteristics by:

- Listening more to its residents to better understand needs and aspirations and to shape services accordingly to improve outcomes.
- Maximising independence.
- Increasing integration in the commissioning of services to reduce gaps in services.
- Improving the way we commission services to help make public funding go further in the provision of services.
- 'Buying local' to support and strengthen the county's economy and those people with protected characteristics working in the local economy.

#### Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The contents of the draft Commissioning Framework have had due regard to both the JSNA and the JHWS and will support delivery of the Corporate Plan which contains ambitions for the health and wellbeing of the Council's area and residents.

#### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Due regard has been had to crime and disorder matters. The Commissioning Framework will apply across the Council's services including those in the area of public protection which deal with crime and disorder reduction.

### **3. Conclusion**

3.1 The draft new One Council Commissioning Framework in Appendix A outlines our definition of commissioning and our vision, aim and principles. It is closely aligned to the Council's Corporate Plan and puts residents at the centre of what we do whilst seeking to build our locality.

### **4. Legal Comments**

The Council has the power to adopt the proposed Commissioning Framework.

The decision is consistent with the Policy Framework and within the remit of the Executive.

### **5. Resource Comments**

This report outlines our One Council Commissioning Framework and as such does not directly impact on the Council's resources. However, the application of the framework will impact on the Council's finances and it is expected that these impacts will occur through our normal budget and spend processes.

### **6. Consultation**

#### **a) Has Local Member Been Consulted?**

N/A

#### **b) Has Executive Councillor Been Consulted?**

Yes

#### **c) Scrutiny Comments**

At a virtual meeting on 17 March 2021, the Overview and Scrutiny Management Board considered the report and unanimously agreed to support the recommendation to the Executive.

The following points were confirmed:

- Current commissioning activity of other Local Authorities had been examined. The Local Authorities had been chosen because they had recently reviewed

their approach to commissioning and were Croydon Council; Kingston Council; Buckinghamshire County Council; Birmingham City Council; and Gateshead Council. Of the Local Authorities contacted, all five were still using the commissioning cycle; all of these were keen to be evidence based, such as having data to inform decision making and, where appropriate, consultation with service recipients and providers. Some had focused on a commercial approach to commissioning, particularly in relation to contract management and skilling up officers to carry out commissioning effectively. Consideration was also given to the right balance of contract enforcement and contract development with key suppliers.

- Developing skills for the workforce was work in progress. Part of the proposal included the creation of a Commissioning Hub with a small additional resource. The Commissioning Hub would carry out an analysis of skills required to produce effective commissioning. This would result in some development and training that could be implemented across the Council. Identifying existing skills within the Council would be undertaken at a later date, as the focus first was on identifying the skills and expertise that were necessary for delivering the new commissioning framework.
- In relation to the six principles in the commissioning framework there was no hierarchy with regards to priority. A commissioning wheel would be used to identify all the tasks that would form part of the commissioning process and reflect the principles. Tasks would also reflect that commissioning had to take into account budget and policy frameworks for example as well as any statutory requirements. As a result, the six principles might be constrained at times depending on certain circumstances.
- The Board was pleased to see the focus on working with residents. Central to the development of the commissioning tasks would be a needs analysis of Lincolnshire’s residents and communities which would rely on national and local data sets and consultation as appropriate, in conjunction with information from the contract management function where those services were delivered directly to residents. This would ensure that appropriate services were identified to meet those needs.

**d) Risks and Impact Analysis**

The equality impact is referred to above. There is a risk that the Commissioning Framework is developed and then "put in a drawer". This risk is mitigated by the high level of engagement with and from all areas of the Council in developing the Framework but it will continue to depend on strong management buy in.

**7. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire County Council Draft One Council Commissioning Framework

## 8. Background Papers

The following Background Papers within section 100D of the Local Government Act 1972 were used in the preparation of this Report.

Document title	Where the document can be viewed
Lincolnshire County Council Corporate Plan	<a href="#">Link to Corporate Plan</a>
Lincolnshire County Council Corporate Peer Challenge Feedback Report September 2019	<a href="#">Link to Feedback Report</a>

This report was written by Sophie Reeve, Assistant Director - Commercial, who can be contacted on [sophie.reeve@lincolnshire.gov.uk](mailto:sophie.reeve@lincolnshire.gov.uk).

## Lincolnshire County Council Draft One Council Commissioning Framework

### What do we mean by Commissioning?

*“Commissioning is the process for deciding how to use the total resources available to meet needs and improve outcomes in the most efficient, effective and sustainable way.”*

We are a local authority, offering our residents and communities the services they need, operating in a political environment with statutory obligations that we must fulfil, including supporting and safeguarding our most vulnerable residents. Our Corporate Plan demonstrates our ambition for Lincolnshire, the outcomes we aspire to achieve and our One Council approach – working consistently as one team for Lincolnshire. All commissioning takes place within this context.

Commissioning is an important part of what we do and shapes so many of our interactions with our residents and communities. It is the process by which the needs and demand of our residents and communities are analysed, plans are put in place, services are delivered and all outcomes are monitored.

The commissioning process enables the Council to decide how to use the total resources available (including finances, physical assets, data, providers, workforce, community assets and our residents) to meet needs and improve outcomes in the most efficient, effective and sustainable way. Public bodies achieve their objectives through a variety of routes, including delivering services themselves, purchasing from external organisations (contracting with our suppliers) or by influencing and working with partners as part of a Lincolnshire-wide approach or by enabling individuals to commission their own services for example through direct payments, or a combination of these. In broad terms this process can be described as ‘commissioning’.

The commissioning cycle is a continuous process that supports the development of new services and their ongoing improvement to meet the needs of service users. Commissioning comprises a range of activities across four key stages:

- **Analyse** – Understanding the type and volume of people's needs, identifying priorities and outcomes that are to be met, using forward-looking projections & modelling based on evidence, intelligence and analysis which provides insight into the consequences (both financial and in population outcomes) of commissioning decisions;
- **Plan** – Reviewing options for delivery based on known and future needs, to select the best way forward, designing and planning services to meet our intended outcomes and manage demand, choosing the best delivery model so that people's needs can be met in the most effective, efficient and sustainable ways;
- **Do** – Securing and implementing the chosen delivery model to achieve the desired outcomes, finding the right partners or suppliers if external provision is appropriate; and

- **Review** – Managing, reviewing and monitoring the service for customer experience, quality and value to evaluate the impact of the intervention and provide evidence informed reports to decision makers on how well needs and outcomes are being met over time and how these may be changing.

### **Our vision**

When we commission services, we will tailor services to the needs of our residents and communities, seeking to maximise independence, build resilience and enhance every individuals' strengths. We will use an intelligence informed approach which manages demand and maximises Lincolnshire's resources, through joining up services with partners where appropriate and possible.

### **Our overarching aim**

We will use the Council's purchasing power ethically and fairly to secure social value, promote economic productivity and local business growth, and support community needs and priorities so that people have the opportunity to enjoy life to the full and have high aspirations, whilst protecting the environment for the future.

### **Our principles**

- **Resident focused** – We will listen to residents and communities to better understand the needs and aspirations of Lincolnshire's people and to shape services accordingly.
- **Evidence based** – All aspects of commissioning will be forward looking and informed by robust evidence, analysis, intelligence, projections and modelling.
- **Working in partnership** – We will make best use of Lincolnshire's resources by co-commissioning and co-producing solutions with our partners, **communities** and suppliers, where opportunities present.
- **Delivering good value outcomes** – We will commission for sustainable and effective outcomes for Lincolnshire, offering safe, quality services and good value (*outcomes – the direct results or benefits for individuals, families, groups, communities, organisations, and/or systems*).
- **Championing Lincolnshire** – We will commission to build our local economy, local sustainability, local communities and to support our local environment.
- **Innovate** - We will design our services using technology to transform the way we meet customer and community need.

Our commissioning processes will be underpinned by the following principles:

- **Locally driven** – Councillors will be at the heart of shaping and making strategic decisions and ensuring commissioning delivers against the outcomes in our Corporate Plan.
- **Robustness** – Options appraisals will enable informed decision making and consider the best service delivery model from Council delivery in-house through to procuring external suppliers for delivery.
- **Performance** – All those delivering services will be held accountable for effective service provision that delivers the required outcomes and meets the needs of our residents and communities.
- **One Council** - the commissioning cycle will be managed consistently across the Council.

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