

# CCPS

COALITION OF CARE  
AND SUPPORT PROVIDERS  
IN SCOTLAND

## Collaborative Commissioning



# Collaborative Commissioning

A collaborative, rapid response to implementing recommendations from the Independent Review of Adult Social Care.

Learning from an online working group of CCPS members and commissioners working together to improve the way support is commissioned and provided.

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# Background and aims

The Independent Review of Adult Social Care ('the Feeley Review', IRASC) affirmed the importance of personalisation, collaborative commissioning, service design and market sustainability.

There is broad understanding of *why* these developments are needed.

The Feeley Review recommends *what* should be done.

Now is the time for commissioners and providers to develop the *how*.

CCPS therefore brought together a group of commissioners and providers in the Collaborative Commissioning programme to share experiences, challenges and aspirations to change practice.

The group's outputs are now part of a suite of responses and resources including:

- A procurement myth-buster and how-to guide, produced by MacRoberts LLP
- Financial resources from Fraser McKinley
- A Fair work and sustainability programme
- Commissioned articles on how national consistency fits with local responsiveness.

The resources were created while other developments to understand and implement the Feeley Review recommendations were also underway, including the National Care Service consultation. The direction these developments will take is likely to be unknown for some time to come. However, the importance and urgency of what the Feeley Review requires of us means we can't let uncertainty hold us back.

These resources therefore also aim to inform the national conversation and local exploration of what the Review means in practice. Designed as modular, bite-sized content that can be used in different ways, they aim to make sense of complex transformational challenges in straightforward ways.

Radical changes are already being made to the way commissioning happens, in large local authorities and small. Collaborative Commissioning evidences that the desire to fulfil the ambition of the Feeley Review is real. These resources give social care commissioners and providers permission and practical ideas to do so.

# Acknowledgments

These resources were produced by a working group of CCPS members and commissioners. The group came together between August to December 2021 to work through common challenges and develop shared responses to the IRASC recommendations.

We are grateful to a reference group that provided peer review of the work as it progressed. The reference group included representatives from HSCPs, service providers, supported people and carer membership organisations, and national stakeholder bodies.

Special mention to Andrew Thomson, Carr Gomm; Caryn Nicolson, Frontline Fife Homelessness Services; Peter Carruthers, SEAG; Donna Bell, SWS; David Paterson and Eileen Wallace, SOPA for their feedback.

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# Headlines

'A shift from competitive to collaborative commissioning must take place and alternatives to competitive tendering developed and implemented at pace.'

Independent Review of Adult Social Care, 2021. Recommendation 33.

## **The current system is unsustainable**

Outcomes for people depend on sustainable delivery across the social care sector. Yet the pandemic confirmed what numerous public reviews have identified for 10 years or more: current models of social care are unsustainable<sup>1</sup>. This has reached crisis point.

Public services are struggling to recruit or retain staff. Services are closing, contracts are being handed back to commissioners. People are going without support.

Being too lean means there isn't enough tolerance and resilience in the system to respond to change. Without spare capacity, things can't improve. As long as we're commissioning on a cliff edge, we'll never be commissioning for good.

There is hope. The Independent Review of Adult Social Care sets out a vision for a future based on collaborative, ethical commissioning. The Collaborative Commissioning programme has begun to define, model and test what these visions mean in practice. The accompanying resources can help you to do the same.

## **The challenges experienced by commissioners and providers are the same**

When services are in crisis, it is easy to 'other' the people we think are causing the problems we face. But when commissioners and providers come together in collaboration, they realise they share the same problem (people lose out when commissioners and providers don't meet in the middle), and a desire to solve it.

However, commissioners and providers can't work towards the same goals when data and intelligence about the local landscape, and the power to do something about it, are not shared equally. Collaborative commissioning changes that, bringing communities and organisations together to face the unknown, share risk, and reach their shared goals in the spirit of 'your problem is my problem'.

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<sup>1</sup> For instance, the Christie Commission (2011), Audit Scotland Social Work Review (2016), and the Independent Review of Adult Social Care (2021)

## There are structural and internal causes and solutions

The shared challenges are often driven by structural issues, for example with personalisation requirements being played off against procurement regulations. The National Care Service may help to address this and bring greater consistency of practice. However, this will take time and when the system is unsustainable there is no time to waste. There are things you can do right now.

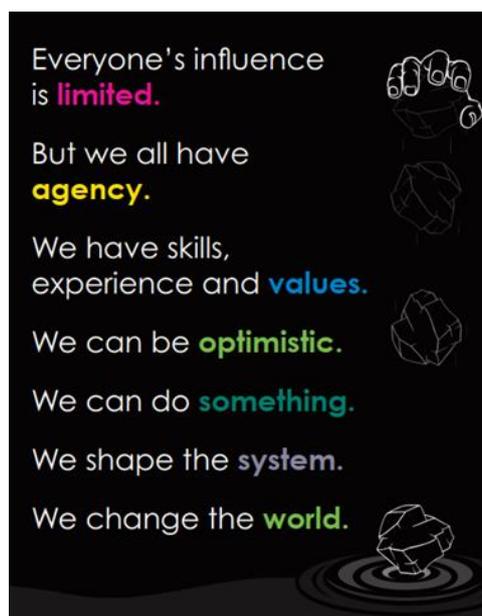
Challenge existing practices. Check assumptions. Ask yourself and your colleagues how the things you do (or don't do) contribute to the challenges you are experiencing. The way contracts are designed influences capacity, innovation and sustainability across the whole system. Internal culture change remains a big part of shared goals and challenges. There is a wider system, but you are still part of it.

## Relationships, transparency and equality

Effective commissioning is reliant on effective relationships and luck. It shouldn't be.

There are alternatives. Collaborative commissioning practices can be adopted by anyone. Ethical commissioning can be understood by all.

Alternatives to competitive tendering are hard to imagine, at first. In fact, examples are readily at hand. Some are new (like long term flexible frameworks and participatory budgeting), others are in development (like alliancing and community commissioning). However most (like Public Social Partnerships and outcome-based contracting) are well developed. They must now be implemented at pace.



# Definitions

In this section, we define:

- Collaborative commissioning
- Ethical commissioning
- Strategic commissioning
- Market facilitation

You can reflect on what these terms and definitions mean for you at the end of this section. The Independent Review of Adult Social Care (2021) defines the following:

'**Commissioning** is the process by which public bodies strategically plan ahead for the services they will provide, either directly or by procurement, to meet their populations' needs, using the budgets at their disposal'.

'**Procurement** is the process of contracting for (purchasing) specific services on the basis of that commissioning activity.'

## 1. Collaborative commissioning

'Collaborative commissioning involves working together as equals, to plan, design and provide social care services which are easy to access, give choice and meaningfully involve people in understanding the outcomes they want to achieve to have a good life.'

Collaborative Commissioning group, 2021

Collaborative commissioning is a term that has been used for several years, broadly describing an approach where commissioners work with providers and communities to analyse, plan, provide and review services i.e. collaborating at every stage of the strategic commission cycle (see p.10). It is collaborative because commissioners and providers need each other in order to make a difference (i.e. achieve good outcomes) for individuals.

In the past, collaborative commissioning approaches (e.g. PSPs, Alliances) ultimately resulted in a competitive tender. In contrast, the Feeley Review emphasises collaborative commissioning as **an alternative** to competitive tendering:

'A shift from competitive to collaborative commissioning must take place and alternatives to competitive tendering developed and implemented at pace across Scotland. Commissioning and procurement decisions must focus on the person's needs, not solely be driven by budget limitations.'

Independent Review of Adult Social Care, 2021. Recommendation 33.

The Review does not specify what these alternatives might look like<sup>2</sup>, but the following elements are identified as part of 'commissioning for public good':

### More sustainable

- Squarely focused on achieving better outcomes
- An end to emphasis on price and competition
- Decoupling social worker decisions on people's care needs from questions of affordability in the first instance
- Fostering innovation.

[This relates to CCPS Big Idea 1, ['The end of procurement'](#)]

### Collaborative ('having a seat at the commissioning table')

- Participative: involving people with lived experience, carers, local communities, providers and other professionals at all levels of commissioning, from the strategic planning end of the spectrum through to any procurement of individual services and supports.
- Engaging people with lived experience more productively
- Narrowing the split between commissioner and provider, benefiting from their respective expertise.

### Ethical

- Fair
- Improving the experience of the staff
- New standards of accountability, quality, staff wellbeing and transparency

Independent Review of Adult Social Care, 2021, 'Commissioning for public good', p72-73

## 2. Ethical commissioning

'Adopting an ethical, fair approach cannot be an optional extra: it must form the cornerstone of future contractual relationships, to help improve the experience of the workforce and help create sustainable, high quality provision. Along with the failure of many current commissioning and procurement arrangements, the most frequent observation made to us throughout this review has been that the workforce must be better regarded, rewarded and supported.'

Independent Review of Adult Social Care, 2021 'Commissioning for public good', p72-73

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<sup>2</sup> Some of readily-available alternatives are set out in our Collaborative Commissioning resource 'Possibilities'  
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t: 0131 475 2676 e: info@ccpscotland [www.ccpscotland.org](http://www.ccpscotland.org)

The definitions and practices that constitute ethical commissioning in Scotland are in development. Terms 'collaborative' and 'ethical' commissioning are used in IRASC relatively interchangeably, but the Review emphasises standardised ethical commissioning:

'The establishment of core requirements for ethical commissioning to support the standardisation and implementation of fair work requirements and practices must be agreed and set at a national level by the new National Care Service, and delivered locally across the country.'

Independent Review of Adult Social Care, 2021. Recommendation 34.

The following elements are recommended<sup>3</sup>:

- Taking into account factors beyond price, including fair work, terms and conditions and trade union recognition.
- Fair Work practices for all services and supports across the country.
- Workforce better regarded, rewarded and supported.
- Financial transparency on the part of providers.
- Requirements for the level of return that should be re-invested in the service in order to promote quality of provision and good working conditions for staff.

The National Care Service consultation, and subsequent Scottish Government Procurement Policy Note<sup>4</sup>, also set out these principles:

- person-centred care first
- human rights approach
- full involvement of people with lived experiences
- fair working practices
- high quality care
- climate and circular economy
- financial transparency and commercial viability
- shared accountability

'Ethical commissioning, in relation to social care services, has a person-centred care first/human rights approach at its core, ensuring that strategies focus on high quality care. This includes fair work practices which encourage the development of a quality, sustainable, and appropriately valued workforce; climate and circular economy considerations in our service footprint to support a just transition to net zero; financial transparency and commercial viability of any outsourced services; full involvement of people with living experiences throughout, putting the person at the centre of making the

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<sup>3</sup> This relates to CCPS Big Idea 3, '[Keeping money in the system](#)'

<sup>4</sup>Preparing to transition towards a National Care Service for Scotland: SPPN 7/2021

<https://www.gov.scot/publications/preparing-to-transition-towards-a-national-care-service-for-scotland-sppn-7-2021/>

choice; and a shared accountability between all partners and stakeholders involved in delivery.'

Scottish Procurement Policy Note SPPN 7/2021

A free to access online self-study course introducing ethical commissioning in social care will be available from Iriss in Spring 2022. The course is for anyone involved in the planning, purchasing and provision of social care in Scotland. [www.iriss.org.uk/](http://www.iriss.org.uk/)

### **3. Strategic commissioning**

Strategic commissioning is a structured process for exploring, planning and improving health and social care services – and outcomes.

'Well-planned strategic commissioning offers the opportunity to increase the value and financial sustainability of care by making the most effective use of available resources and the most efficient and consistent delivery. This ensures that the balance of resource is spent where it achieves the most, and focuses on prevention and early intervention.'

[www.ihub.scot/improvement-programmes/strategic-planning/strategic-commissioning](http://www.ihub.scot/improvement-programmes/strategic-planning/strategic-commissioning)

Strategic Commissioning is usually shown as a cycle of analysis, planning, implementation and review. However, as the IRASC notes, this does not take account of ethical and collaborative commissioning and could usefully be updated to reflect those.

A more iterative, open process of involvement, towards relationships not just transactions, has been developed by CCPS (see figure on next page).

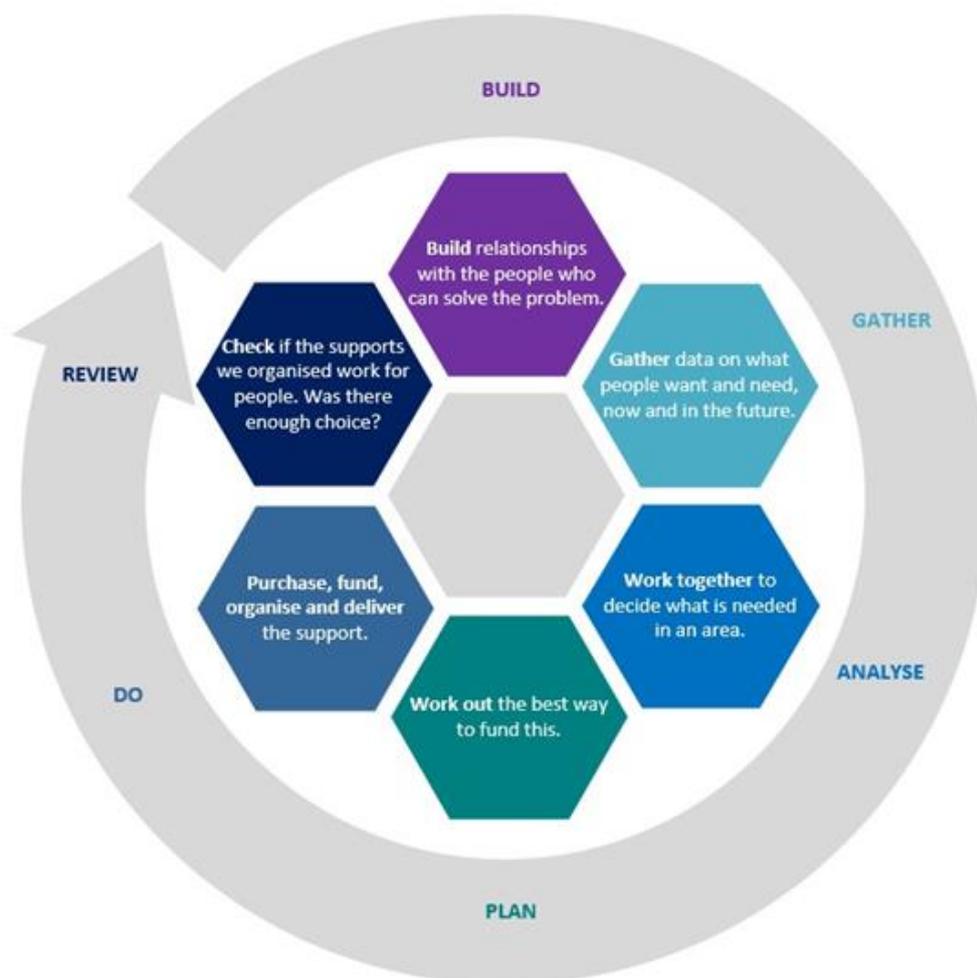


Figure: The collaborative strategic commissioning cycle (CCPS, 2018)

#### 4. Market facilitation

'Based on a good understanding of need and demand, market facilitation is the process by which strategic commissioners ensure there is sufficient, appropriate range of provision, available at the right price to meet needs and deliver effective outcomes.'<sup>5</sup>

Market facilitation is how public authorities stimulate a diverse, vibrant and sustainable market, so there are different types of support and provider organisations for supported people to choose from. Successful market facilitation and shaping relies on collaboration, commissioners need to work with people and providers to understand what's needed, so they can offer the services people need and want, now and in the future.<sup>6</sup>

<sup>5</sup> Public Bodies (Scotland) Act Strategic Commissioning Plans Guidance, Scottish Government, 2015

<sup>6</sup> CCPS Market Facilitation Guide <https://www.ccpscotland.org/wp-content/uploads/2018/11/ccps-marketfacilitation-guide.pdf>

Market facilitation is usually described as having three main stages. Like the strategic commissioning cycle, these are part of a dynamic process, not separate steps. All three stages should be collaborative:

- Intelligence: Gathering intelligence about existing provision, gaps, aspirations, and available resources.
- Ideas: Developing plans and ideas to achieve the right balance of provision and support.
- Implementation: Taking action to deliver the kind of market required by communities and commissioners.

Promoting Variety, Shared Care Scotland and Healthcare Improvement Scotland, 2021

Market facilitation supports implementation of the Independent Review of Adult Social Care and is founded on the same principles:

From...	To...
Procurement-led	Outcome-led
Commissioning for time and task activities	Commissioning for individual outcomes
Limited choice	Diverse choice
Transactions	Relationships
Monitoring compliance	Evaluating outcomes and learning
Informing, consulting	Involving, collaborating, conversations
Support with critical need, specialist services only	Capacity-building, prevention, access to universal services
Deficits	Assets
Services	Support

Source: Promoting Variety, Shared Care Scotland and Healthcare Improvement Scotland, 2021

## Reflection

- What does collaborative commissioning mean to you?
- What might ethical commissioning look like in practice?
- Who will make change happen?
- What will it take to make change?
- How will you know when it has happened?

# Principles

Collaborative commissioning follows and will be able to evidence these principles, which link to the Self-directed Support Framework of Standards<sup>7</sup> and National Care Standards<sup>8</sup>:

**Person centred, human rights focused:** upholding people’s human rights and their rights to support. [SDS Standard 3; National Care Standards 1 and 4]

**Sharing power:** shifting power and control to individuals; commissioners as market facilitators, ensuring choice. [National Care Standard 2]

**Risk enablement:** recognition that innovation involves risk and change. [SDS Standard 6; National Care Standard 2]

**Participative:** benefiting from the expertise of people with lived experience, carers, local communities, providers, commissioners and other professionals. [National Care Standards 2-4]

**End to end:** collaboration at all levels of commissioning, from strategic planning through to procurement of individual services and supports. [National Care Standards 1-4]

**Effective:** Focus on quality, values and outcomes for supported people. [SDS Standard 7; National Care Standard 5]

**Sustainable:**

- An end to emphasis on price and competition.
- Taking into account factors beyond price, including fair work, terms and conditions and trade union recognition.
- Requirements for the level of return that should be re-invested in the service.
- Decoupling social worker decisions on people’s care needs from questions of affordability in the first instance.

[National Care Standards 4 and 5]

**Fair work:** Workforce better regarded, rewarded and supported. [National Care Standard 4]

**Accountability:** Shared accountability and financial transparency. [SDS Standard 5; National Care Standard 4]

**Learning:** Fostering innovation; identifying, embedding and sharing good practice. [National Care Standard 4]

<sup>7</sup> <https://www.gov.scot/publications/self-directed-support-framework-standards-including-practice-statements-core-components/>

<sup>8</sup> <http://www.newcarestandards.scot/>

## Collaborative and ethical commissioning checklist

This checklist encourages you to review your practice against the elements identified above, ideally in collaboration with others.

You can assign a score to each element using this suggested scoring guide:

- 2 = We have good consistent evidence
- 1 = Our evidence is mixed or patchy
- 0 = We cannot evidence this

There is also space for comments, which can help you compare notes with partners and colleagues, or just review progress over time. These notes will often be more meaningful than just a score.

Element	Score	Comments
1		
2		
3		
4		
5		
6		
7		
8		

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