



Daughters of Charity Community Services

Response to the Public Consultation on Commissioning
Human, Social and Community Services

February 2016

1. About the Daughters of Charity Community Services

The Daughters of Charity Community Services (DoCCS) is a community-based NGO providing a range of educational, training and social care services for children, young people and adults in Dublin's North Inner City. The Mission Statement of the DoCCS grounds the work of the organisation in a commitment to promote the rights of people, especially those who are most marginalised, to be able to more fully participate in family, work and community life and thus achieve their full potential.

Guided by the principles of community development, social justice and community partnership, the DoCCS provides the following supports to the local community:

- A high support school for children aged eleven to sixteen years, under the aegis of the Department of Education and Skills,
- An early education and childcare service for pre-school children,
- A community training centre for early school leavers and socially vulnerable young people aged sixteen to twenty one,
- An adult and community education service providing further educational opportunities for adult learners,
- A social care and educational service for older people,
- A community development project providing family supports on an outreach basis to the local community.

2. Summary of Key Recommendations

DoCCS recommends that:

- State agencies and Departments should set out a coherent, evidence-based rationale as to why a move to commissioning is the most prudent way forward for the delivery of social and community-based services.¹
- A broad definition of commissioning should be applied, linking resource-allocation with meeting assessed needs to achieve better outcomes for service users through the provision of high quality services. This broad definition should be applied consistently across all commissioning agencies and Departments and a coherent understanding and application of approach to each of these elements of the commissioning process defined should be applied.

¹ The Government's own review of commissioning (Centre for Effective Services 2015) has stated that setting out a clear rationale is an essential starting point to the process of commissioning.

- Each element in the commissioning process: assessment of needs and resource allocation; achievement of better outcomes for service users; value-for-money; and provision of high quality services should be consistently defined across each commissioning agency and Department. In addition, each of the four elements should contain a set of core standards (see section 6 below), to which all commissioning agencies and Departments should adhere.
- Grant-giving should remain a key element of resource allocation to the voluntary and community sector, particularly in the provision of integrated, community-based supports addressing complex needs.
- ‘Value-for-money’ should be broadly defined to include and give weight to the social value that accrues to individuals and communities as a result of how community and voluntary services are delivered.
- Each element in the commissioning process should be subject to an equality and human rights impact assessment. This would ensure that the needs of groups protected under equality legislation are adequately and appropriately addressed and the human rights of all are respected, protected and fulfilled. The public sector equality and human rights duty will also require commissioning bodies to ensure that each element of the commissioning process identifies and addresses the human rights and equality issues of individuals and communities.
- The necessary infrastructure for the commissioning process should be put in place in every commissioning agency and Department as a precursor to moving to the process of commissioning.

3. Introduction

The DoCCS welcomes the opportunity to submit our views regarding the proposed development of a coherent over-arching framework on the commissioning of social and community services in Ireland.

The call for submissions issued by the sponsoring Departments² notes that a key driver for this, and other consultation processes on commissioning, is the Programme for Government commitment to “open up the provision of public services to a variety of providers.” A further rationale noted is an action contained in the Public Service Reform Plan 2014-2016 to “move to an outcomes-focused model” regarding the delivery of “human, social and community services.”³ Commissioning has been mooted as a proposed way forward in this regard.

The voluntary and community sector is central to the provision of social, educational, and community-based services across the whole of Ireland. As such, we are a key stakeholder in any change process introduced by the State which has the potential to

² Department of Children and Youth Affairs; Department of Health; Department of Public Expenditure and Reform; Department of Community, Environment and Local Government.

significantly impact on the development and delivery of vital services for communities into the future.

The public consultation document issued by the sponsoring Departments notes that the expected outcome of this consultation process is to ensure a consistent approach across Departments, Offices and Agencies of the State to funding of human, social and community services. In order to inform this, the sponsoring Departments are seeking that a common understanding is sought, regarding the following:

1. What is to be understood by “Commissioning” and what are the major features of this process?
2. What principles shall funders apply in implementing a commissioning approach?
3. How will an appropriate timeline for Public Bodies (funding relevant services through the non-statutory providers) to move to a Commissioning approach be determined?⁴

For the purposes of coherence, this submission will respond to each of these questions. Initially, however, we believe it necessary to comment on the process of commissioning as an effective process to deliver social, human and community-based services.

4. Commissioning as a process to deliver outcomes-focused, needs-led services

An important precursor to any discussion about how the process of commissioning should be defined, involves the Government setting out a coherent, evidence-based rationale as to why a move to commissioning is the most prudent way forward for the delivery of social and community-based services. An important starting point is examination of the impetus for driving change in this regard. The issuing public consultation document, for example, notes a commitment by Government to “ensure the provision of better outcomes for citizens and service users” and to “ensure the best use of resources in meeting needs”.⁵ The Programme for Government, in its section on public sector reform, details a commitment to ensure ““Choice and Voice” for Service Users”.⁶ The Programme notes a commitment to “open up the provision of public services to a variety of providers” by moving from “giving fixed budgets to traditional public service providers like the HSE, VECs and FÁS” and instead putting resources into the hands of citizens “to acquire services that are tailored to better suit their needs and less expensive for the taxpayer.”⁷ The key drivers, therefore, can be ascertained as:

- seeking value for money and reducing the cost of delivering services,
- increasing the marketization of public services, and

⁴ “Public Consultation on Commissioning of Human, Social and Community Services in Ireland” Department of Children and Youth Affairs; Department of Health ; Department of Public Expenditure and Reform; Department of Community, Environment and Local Government December 2015 page 2

⁵ IBID page 1

⁶ Programme for Government 2011-2016 page 68

⁷ IBID page 68 and 69

- linking service development and delivery to assessed need and outcomes.

While value-for-money and outcome-focused service delivery are important objectives in any commissioning process, nonetheless, how these two objectives are defined and pursued is critical. This issue will be explored in more detail in the following section.

The increasing move towards the marketization of essential social and community-based services deserves particular attention. In the UK, where such processes have been in place for a number of decades, the negative impact of the commodification of public and social services has been well documented.⁸ Such negative impacts include the following:

- Quantity over quality: whereby more holistic tailored services, designed to meet the needs of different groups and communities, are rejected in favour of basic, one-size-fits-all, cost-per-unit models that are delivered at minimum cost regardless of the outcomes for different groups,
- Economies of scale: commissioning bodies, in an attempt to reduce costs, can often favour larger providers who are deemed to have greater capacity to provide more for less. This approach has, in the UK, led to the closure of smaller community-focused services, resulting in the erosion of community cohesion and the loss of local intelligence about the needs of those communities.
- Cherry-picking service participants: procurement and competitive tendering processes which are performance-focused can result in contractors favouring those target populations most likely to achieve positive outcomes, thus abandoning more marginalised communities and individuals with complex needs.

In 2015 the Departments of Health, Children and Youth Affairs, Community Environment and Local Government, and Public Expenditure and Reform, commissioned an evidence review on commissioning as a process.⁹ The resulting review found the following: “limited evidence to date that Commissioning approaches result in better outcomes” for service users;¹⁰ “the overall costs of Commissioning can be quite high” for commissioning bodies;¹¹ and “the literature indicates a weak evidence base for Commissioning as a strategic planning and resource allocation tool aimed at meeting multiple policy objectives”.¹² The Government’s own review, therefore, does not offer a convincing rationale that a move to commissioning will

⁸ See for example, Davis (2011) ‘outsourcing, public sector reform and the changed character of the UK state-voluntary sector relationship’, *International Journal of Public Sector Management*, vol 24.no 7. And Clarke, C: *New Labour’s Citizens: Activated, Empowered, Responsibilised, Abandoned?* *Critical Social Policy*, Vol.25, No.4, SAGE, 2005

⁹ The Centre for Effective Services (September 2015) ‘Commissioning in Human, Social and Community Services - A Rapid Evidence Review’, Departments of Health, Children and Youth Affairs, Community Environment and Local Government, and Public Expenditure and Reform.

¹⁰ IBID page 3.

¹¹ IBID page 37.

¹² IBID PAGE 46.

necessarily result in a more effective, outcome-focused delivery of social and community-based services.

Such conclusions must be carefully considered, since it will be impossible, under competition law, to revert back to grant-based funding once services have been opened up to any competitive tendering processes as part of any proposed commissioning of services.

5. What is to be understood by “Commissioning” and what are the main features of the process?

Commissioning is commonly understood as a broad strategic process to “link resource-allocation with meeting assessed needs, achieving better outcomes for service users, value for money and high quality services”.¹³

It is our view that this broad definition of commissioning should apply. In addition, it is imperative that this standard definition of commissioning would apply across *all* commissioning agencies and Departments and that a coherent understanding and application of approach to each element of the defined process would apply across all commissioning Departments and agencies.¹⁴

The four essential elements of the commissioning process, therefore, are:

- Assessment of need and linking resource allocation to assessed needs,
- Achieving better outcomes for service users,
- Achieving value-for-money, and
- Ensuring the highest quality services.

Each of these elements must be consistently defined and agreed upon by commissioning agencies and Departments.

5.2.1 Assessment of need and resource allocation

Assessment of need should be understood broadly to encompass an assessment of community needs as well as individual needs. This is important in ensuring that the particular needs of disadvantaged areas are assessed in a broad manner taking into account the wider community infrastructure contributing to the social and emotional development of individuals and families. Tusla in their commissioning document recognise, in this regard, that: “community based family support services providing a

¹³ IBID page 2. See also, Tusla (August 2013) “Child and Family Agency Commissioning Guidance” which similarly defines ‘commissioning’.

¹⁴ The issuing public consultation document offers two working definitions of commissioning for discussion. Both definitions refer to linking allocation of resources to assessed need. Where they differ is in the inclusion of reference, in definition (a) to an outcomes-based approach, and in definition (b) to achieving “better value for money”. It is our view that definition (a) is the preferred definition as the focus on ensuring best outcomes for individuals and the community, is essential.

continuum of support to children and families will need to be commissioned at local level in order to ensure responsiveness to locally assessed needs.”¹⁵

Needs assessment processes should be subject to an equality and human rights impact assessment. This would ensure that the needs of groups protected under equality legislation are adequately and appropriately addressed and the human rights of all in the community are protected, respected and fulfilled. State bodies are subject to the public sector equality and human rights duty which requires public bodies to give regard to eliminating discrimination, promoting equality and protecting human rights in the development and delivery of all of their functions.¹⁶ This duty will require commissioning bodies to ensure their needs assessment and resource allocation processes and procedures have been subjected to equality and human rights impact assessments.

It is also important to note that robust, comprehensive national, regional and local data will be essential to assessing need on a local, regional and national basis. It has been well documented that there is a significant dearth of such data currently available and until this is rectified it is difficult to envisage how comprehensive needs assessments can be carried out.

It is recognised that once needs have been assessed, commissioning bodies may take different approaches to allocating resources to best meet those identified needs. This can include continued grant-giving, or procurement of services through competitive tendering. Careful consideration should be given by commissioning bodies as to how resources will be allocated. Competitive tendering should not be regarded as the inevitable method of resource allocation, as such processes, as outlined previously, can have an adverse impact on outcome-focused service delivery catering for complex needs and the needs of specific groups.

Consider, for example, the specific needs of some local communities across Ireland and within our cities, where pockets of serious deprivation and marginalisation exist. In such localities, the needs of local groups and individuals will require more sustained, integrated and layered approaches, therefore, it is appropriate to fund more holistic wrap-around services that are embedded in those communities and better designed to deliver good outcomes in those areas.

Competitive tendering approaches rarely work in such instances, since, as noted previously, such approaches lend themselves to ‘cherry-picking’ and provision of basic one-size-fits all models. The provision of the current SICAP programme is an important case in point. Concerns are arising following the decision by the Department of Community Environment and Local Government to open the delivery of community development to competitive tendering from 2015. A report issued by Community Work

¹⁵ Child and Family Agency Commissioning Guidance, Tusla, August 2013, page 19

¹⁶ The Irish Human Rights and Equality Commission Act 2014, S42.

Ireland notes that implementers of the SICAP programme are voicing concern about the increased focus on the quantity of engagements with service users, rather than the quality of those engagements. A further concern expressed is the “imperative of having to reach centrally defined targets rather than responding to the existing and evolving needs of the communities.”¹⁷

5.2.2 Outcomes-focused approach

Assessment of need is closely aligned with setting outcomes. Once needs are identified, appropriate outcomes for groups and communities, can be identified. The Government’s review on commissioning, notes that “there is greater need for clarity about what is meant by outcomes in a commissioning context, how outcomes will be measured, whether data to measure outcomes is routinely available at national, regional or local level, and where the responsibility for assessing outcomes will lie.”¹⁸

The DoCCS, like many community and voluntary organisations, value the importance of measuring the outcome or change that our work brings about. Such measurements are vital in allowing us to determine whether our services remain effective, relevant, and accessible to the people who most need them. In reality, however, the outcomes resulting from the delivery of social and community services are difficult to measure and appropriate tools and processes are costly to design and implement. Statutory funders do not provide community and voluntary organisations with the additional resources required to put in place outcome measurement tools and processes. We are, however, increasingly expected to provide evidence of outcome and impact. If outcome measurement, as part of commissioning processes, is to become the responsibility of service deliverers, the requisite resources will need to be provided to ensure these processes can be put in place.

In setting outcomes against which to measure the impact of service delivery, commissioning bodies should subject such processes to an equality and human rights impact assessment to ensure that the needs of groups protected under equality legislation are adequately and appropriately addressed and the human rights of all are protected, respected and fulfilled. The public sector equality and human rights duty requires commissioning bodies to ensure that outcome-setting processes identify and address the human rights and equality issues of communities.

5.2.3 Value-for-money

Value-for-money is a contested term. In regard to the delivery of public services, it is increasingly being assessed using simplistic cost-benefit analysis tools. It is our strong

¹⁷ Community Work Ireland (2015) “In Whose Interests: Exploring the impact of competitive tendering and procurement on social inclusion and community development in Ireland”, page 19.

¹⁸ Centre for Effective Services (September 2015) op cit, page 45.

contention that value-for-money in regard to the delivery of social, human and community services must be defined more broadly.

We recommend that an important element in assessing 'value-for-money' should be to recognise the social value that accrues to individuals and communities as a result of how community and voluntary services are delivered. In the UK, the Public Services (Social Value) Act 2012 requires all public bodies to take into account the social value of any service it buys. This social value includes:

- Increasing community cohesion and trust,
- Reducing crime in local areas,
- Giving local employment and volunteering opportunities,
- Sourcing local suppliers,

Given that the EU Procurement Directive has been identified as a key driver towards the process of procurement and commissioning of services, it is worth noting that the European Parliament has underscored the need for procurement processes to employ a broad definition of 'value-for-money': "the criterion of lowest price should no longer be the determining one for awarding of contracts, and that it should, in general, be replaced by the criterion of the most economically advantageous tender, in terms of economic, social and environmental benefits- taking into account the entire life-cycle costs of the relevant goods, services or works."¹⁹

6. What principles shall funders apply in implementing a commissioning approach?

Statutory commissioning bodies should ensure adherence to, and implementation of, each element in the commissioning process: assessment of needs and resource allocation; achievement of better outcomes for service users; value-for-money; and provision of high quality services. There is a real risk, given the constraints within which many Departments and State agencies operate, that adherence to the more complex and potentially costly elements of the process (such as defining outcomes, assessing needs and provision of quality services) would be overlooked.

Each of the four elements of the commissioning process should be consistently defined across each commissioning agency and Department. In addition, each of the four elements should contain a set of core standards, to which all commissioning agencies and Departments must adhere. We suggest the following standards for each of the four elements, as follows:

1. Assessment of need and linking resource allocation to this assessment:

¹⁹ <http://www.europarl.europa.eu/oeil/popups/summary.do?id=1173012&t=e>

Key standards:

- Ensuring service user and community and voluntary sector involvement and participation,
- Availability of robust data upon which to base decisions and ensuring the availability of quality data to inform needs assessments,
- Equality and human rights impact assessment of all needs assessment processes and adherence to the public sector equality and human rights duty.

2. Achieving better outcomes for service users:

Key Standards:

- Ensuring service user and community and voluntary involvement and participation,
- Setting outcomes that take into account broad social value,
- Equality and human rights impact assessment of outcome-setting and adherence to the public sector equality and human rights duty.

3. Achieving value-for-money:

Key Standards:

- Application of a broad definition of value-for-money which includes assessment of the social value accruing,
- Application of social return on investment analysis,
- Equality and human rights impact assessment of the value-for-money provided by contractors in terms of adherence to the public sector equality and human rights duty.

4. Ensuring the highest quality services:

Key Standards:

- Ensuring service user and community and voluntary involvement and participation,
- Equality and human rights impact assessment of all service provision and adherence to the public sector equality and human rights duty.

7. How will an appropriate timeline to move to a Commissioning approach be determined?

The Government review on the process of commissioning, conducted by the Centre for Effective Services, articulates a central message: that commissioning is a complex

Rachel Mullen, Director: Contact rmullen@doccs.ie Tel: 01-8874112

process, requiring significant human and financial resources to be effectively delivered. Furthermore, the review notes that unless all of the elements in the commissioning process are coherently and effectively delivered upon, there are serious risks in reliance on this process as a means of ensuring value-for-money, delivery of outcome-focused services, and meeting identified needs.

The review further notes the following essential pre-requisites: “complex infrastructure is required for commissioning processes. Expert knowledge and technical skills need to be developed for both Commissioners and providers in a wide range of areas such as needs analysis, service user engagement, data information and management, service design and planning, procurement, contracting, governance and evaluation.”²⁰

It is unlikely that this infrastructure currently exists in many State agencies and Departments that are moving to commissioning. Any timeline developed for moving to commissioning processes, therefore, should firstly assess the human and financial resource implications involved in establishing this necessary infrastructure.

²⁰ Centre for Effective Services 2015 op cit Page 4