

<b>Project Title:</b>	Cymorth Commissioning	
<b>Senior Responsible Officer:</b>	Neelam Bhardwaja, Corporate Manager	
<b>Project Manager:</b>	Dr Ceri George	
<b>Period Covered:</b>	From: October 2009	To: March 2010

## REPORT FOR CYPP BOARD (12 March 2010)

### BACKGROUND

This report is intended to update the Children and Young People's Partnership [CYPP] Board on progress made with the Cymorth Commissioning Project since the previous report to the Board in October 2009. It will provide an overview of the conduct of the project and the current situation in relation to risks and how they are being managed.

Issues - Description & Impact	Action
<p><b>WORK OF CORE GROUPS</b></p> <ul style="list-style-type: none"> <li>During their last round of meetings, core groups considered their commissioning programme of work in the light of the funding allocated to them by the JCG and the decision to move to a three year rolling programme. All the core groups are now clear about the areas of work that will be moving forward for commissioning for 2010-11. However, core group members have raised concerns about their capacity to carry out the necessary work within timescales.</li> <li>Core groups have also started to prepare for tendering in those areas that are moving to new commissioning arrangements straightaway. Lead Support Officers and core group members have requested support to be able to carry out the work required.</li> <li>As well as progressing the arrangements for services which will be commissioned in phase 1, core groups also need to make progress in the areas where further work has to be carried out to prepare for the next phase.</li> </ul> <p><b>LEGAL AND PROCUREMENT ISSUES</b></p> <ul style="list-style-type: none"> <li>The project needs to ensure that arrangements are in place with procurement and legal services for appropriate support to be provided as it is required throughout the process.</li> <li>The support provided so far has been carried out within existing financial Service Level Agreements. However, provision will need to be made for future commissioning costs (2010-11) which are likely to be 'above the line'.</li> </ul>	<ul style="list-style-type: none"> <li>A summary has been produced for each core group to provide an overview of their proposed work plans. This identifies what work will be carried out in each phase, the tasks needed and indicative timescales.</li> <li>CUPS Team have supported LSOs and core groups to prepare business cases for four of the commissions in phase 1 to be by way of single tenders.</li> <li>Guidance and a template document are being prepared to support the development of service specifications and to provide a consistent approach.</li> <li>Work has started on the preparation of service specifications for new work.</li> <li>LSOs have started to plan work in the areas where further development is needed before they are ready to move forward to commissioning in later stages (some in the second half of phase 1 and some ready for phase 2).</li> <li>There is regular contact with procurement and legal to keep them informed about progress and an overview brief has been prepared setting out the timescales and contract details for the first phase.</li> <li>Bespoke Terms and Conditions [T&amp;Cs] will be prepared for the first service to be commissioned, but legal will also advise on whether this document can form the basis of standard T&amp;Cs for future contracts.</li> <li>The possibility of a reserve fund from this year's underspend is being explored with WAG.</li> <li>JCG has agreed that the first 1% of each core group's underspend should be set aside for commissioning costs.</li> </ul>

## EQUITY AND TRANSPARENCY

- The Children and Young People’s Officer with Voluntary Action Cardiff [VAC] has raised questions about how effectively voluntary sector representatives have been able to feed back through the network about the decision-making process because certain information has had to be kept confidential.
- Core groups have asked for clarification about the role of core group members who are involved in the development of service specifications because they have a particular expertise but whose organisations might also be potential providers, to avoid conflicts of interest.
- Some of the projects affected by the risk assessments have asked for these to be made available to them but there have also been concerns raised about releasing these documents.
- Explanations have been given at core group meetings that it is only the sensitive financial details that members have been asked to keep confidential but that any information relating to the process or criteria for decision-making can be passed on.
- Advice from procurement suggests that a partnership approach to the development of proposals, drawing on the expertise of representatives around the table, is appropriate. However, they have advised that the final decision on service specifications should not lie with the core group but with the JCG which maintains a distance from this process.
- Discussions are taking place with the new Chief Executive of VAC about strengthening and clarifying voluntary sector representation – presentations to be made to the next Network meeting in March about representation and involvement in the commissioning process.
- Decision about whether risk assessments can be made available to be reviewed.
- A review of the process needs to be undertaken when the first phase is completed, as part of the commissioning cycle of ‘analyse, plan, do and review’, to identify if any improvements might be made.

## Key Risks – Description & Impact

- Two letters were received from projects whose funding had ended raising concerns about the decisions and process. So far neither has proceeded to the next stage of a formal complaint procedure. However, there has been some risk to the reputation of the Partnership as these letters were copied more widely.
- Core groups have started to make great progress but they are still raising concerns about the demands that the process is having in terms of time spent in core group meetings, capacity of key officers to carry out work required etc.
- There have also been concerns raised about whether voluntary organisations will have the capacity to compete for open tenders if there are TUPE implications, especially if members of staff are currently employed by a statutory provider.

## Mitigation

- The County Grants Officer has informally reviewed the processes followed and has given a view that there was no breach of the Compact agreement.
- Discussions have taken place with senior staff at VAC to explain process and address concerns.
- Briefings have been prepared for the Leader of the Council and the press office.
- The Joint Commissioning Officer and Project Support Officer have been supporting the work of the core groups and lead officers to try to relieve pressure.
- Underspend has been used to recompense organisations for the time spent on commissioning by lead officers.
- Impact of commissioning on core group meetings to be kept under review.
- Most appropriate commissioning route to be chosen in discussion with procurement and following the Compact Funding and Commissioning Framework.

## Recent Achievements / For Information

1. A range of documents relating to the Cymorth commissioning process have been posted to the Ifanc website providing detailed information about the process so far, to support openness and transparency.
2. Core Groups have made great progress and now have clear programmes of work, setting out the plans for phase 1 and phase 2 commissioning and identifying areas where further development is needed.
3. The outline programme for 2010-11 has been submitted to WAG and letters have been sent to projects continuing under current arrangements to inform them of indicative funding.
4. Work has commenced on tendering arrangements for the first contracts, (development of service specifications, completion of pre-tender forms etc). Service specification guidance and template have been drafted and have received very positive feedback from legal services and from core group members developing service specifications. The JCG has confirmed the recommendation of procurement in relation to the single tender business cases put forward by core groups.
5. The JCG has considered the process of identifying and using underspend in future years to enable the most effective use of the funding available. It was agreed that the first 1% should be used for costs associated with the commissioning process. Core groups should then retain discretion over any small amount of underspend accrued but that any substantial amount of underspend should be returned for the JCG to agree the highest priority. Members of the JCG are currently considering whether the amount remaining within core group discretion is 2.5% or £20k, whichever is larger, or 3.5% or £25k.

## Additional Information

### Appendix 1: Overview of Cymorth Programme 2010-11

## Next Steps

1. The CUPS Team and lead officers will prepare the information needed to complete the tender packs for the first commissions with the aim of at least five contracts being tendered for the start of the financial year 2010-11.
2. Core groups will continue to progress other areas of work and bring forward work to be commissioned according to their work plans and the timescales set out in these.
3. The CUPS Team will put arrangements into place for the management of the underspend process in line with the decision of JCG.
4. There will be a presentation and discussion with voluntary sector members at the VAC Children, Young People and Families Network meeting 24<sup>th</sup> March.
5. The Joint Commissioning Officer to start to consider the best point in the cycle for a review and how this might be conducted and bring a proposal to the JCG.