

EXECUTIVE BOARD COMMISSIONING SUB-COMMITTEE – 27th July 2012

Title of paper:	Strategic Commissioning Review Programme	
Director(s)/ Corporate Director(s):	Candida Brudenell – Director of Quality and Commissioning Ian Curryer – Corporate Director Children’s and Families	Wards affected: All
Portfolio Holder(s):	Councillor Jon Collins Health, Commissioning and HR	Date of consultation with Portfolio Holder(s): 25 th June 2012
Report author and contact details:	Candida Brudenell, Director of Quality & Commissioning Kerry Ferguson, Policy Development Officer	
Other colleagues who have provided input:	Colin Monckton – Head of Commissioning and Insight Kevin Banfield – Commissioning Change Programme Manager Geoff Walker – Head of Departmental Finance Glen O’Connell – Director of Legal and Democratic Services	
Key Decision:	No	
Reasons for Key Decision:		
Expenditure, income or savings of £1,000,000 or more taking account of the overall impact of the decision:		
<ul style="list-style-type: none"> • Revenue expenditure • Revenue income • Savings • Capital expenditure • Capital income 		
To be significant in terms of its effects on communities living or working in an area consisting two or more wards in the City		
Relevant Council Plan Strategic Priority:		
World Class Nottingham		
Work in Nottingham		✓
Safer Nottingham		✓
Neighbourhood Nottingham		✓
Family Nottingham		✓
Healthy Nottingham		✓
Leading Nottingham		✓
Summary of issues (including benefits to citizens/service users):		
This report outlines forthcoming strategic commissioning reviews as the council moves to adopt a commissioning approach across its services. It also explains the links with the Community Right to Challenge.		
Recommendation(s):		
1	It is recommended that the Committee notes the proposed programme of strategic reviews (attached at Appendix 1) and notes that planned activity and timescales may be subject to change dependent on the findings of Strategic Reviews. Further detail will be	

	brought to the Committee as Reviews take place.
2	It is recommended that the Committee further notes that should an Expression of Interest (Eol) be received under the Community Right to Challenge, the Committee will have the decision on whether to accept or reject it. If and when Eols are received, a report will be brought to the Committee for decision.

1 BACKGROUND

In July 2011 a report was brought to the Committee setting out the council's Strategic Commissioning Intentions (SCIs) for 2011/12. This was followed by a further report in January 2012 with SCIs for 2012/13.

The Community Right to Challenge (CRTC) is one of a range of new initiatives in the Localism Act 2011 and came into effect on 27th June 2012. It enables voluntary and community bodies, two or more employees of a local authority who wish to form a mutual organisation, and parish councils to express an interest in running a local authority service. If an Eol is accepted, the Council must carry out a procurement exercise for the service. Arrangements have been put in place to enable the council to respond to the CRTC (agreed by Leader's Decision). The Leader has delegated to Executive Board Commissioning Sub-Committee decisions on accepting or rejecting an Eol.

Under the legislation, local authorities can choose to specify periods during which Eols can be submitted for particular services. This can allow local authorities to manage the flow of Eols and ensure that any Eols are synchronised with existing commissioning cycles and strategic service reviews. Nottingham City Council has prepared a timetable (attached at Appendix 1) setting out forthcoming strategic commissioning reviews in a number of council services. This identifies periods during which Eols can be submitted for consideration, in order to align with key phases of the reviews. The Committee is asked to note the timetable, which is the first stage in implementing the commitment to roll out the commissioning pathway approach across all service areas. The programme of reviews extends up until March 2018.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

This is the first opportunity to bring the work on a broader schedule of strategic commissioning reviews to the Committee. It is also timely because the CRTC has come into force, and the Committee will have a role in deciding whether to accept or reject any Eols received.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

None, as no decisions are being asked of the Committee at this stage.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

There are no direct financial consequences arising from the CRTC; however if Eols are received these will be brought to the Committee with advice on financial implications. The Strategic Commissioning Reviews are being carried out in the context of the commitment to deliver savings outlined within the Medium Term Financial Plan.

It is intended that having a structured programme of reviews will help the Council improve the efficiency and effectiveness of its services to citizens and secure better value for money. It

will also help the council respond to the CRTC by ensuring that any Eols received can be aligned with the council's commissioning cycles and budgetary processes.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

The programme of reviews will help the council manage the risks associated with the CRTC by providing clarity on the timing of the reviews and periods during which Eols can be submitted.

As this is the first stage in developing a long term programme of strategic commissioning reviews, it is very likely that there will be some changes to the timings and scope of reviews. Other service areas will be added as the commissioning approach is rolled out across the council. The programme will be kept under regular review and updated as necessary. There is a risk of confusion amongst organisations seeking information about commissioning opportunities and windows for submission of Eols under the CRTC, which can be mitigated by clear communication. The latest version of the programme will be published on the council's website alongside other information about commissioning and the CRTC.

Legal Implications

The Community Right to Challenge is operative from 27th June 2012. In advance of experience of the operation of the new law and any court judgements arising from it, it is considered that the Council's arrangements for it are rational and reasonable in anticipating that Eols will mainly involve executive business and that the Executive Board (Commissioning) Sub-Committee will be an appropriately experienced decision-making body to deal with them. The proposal for a "default" window for Eols running in parallel with a timetable aligned to the Council's commissioning service review proposals is in line with practice being developed by other Councils and with statutory guidance to which regard must be had.

There are no Crime and Disorder Act implications arising from this report.

6 EQUALITY IMPACT ASSESSMENT (EIA)

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| (a) not needed (report does not contain proposals for new or changing policies, services or functions, financial decisions or decisions about implementation of policies development outside the Council) | ✓ |
| (b) No | <input type="checkbox"/> |
| (c) Yes – Equality Impact Assessment attached | <input type="checkbox"/> |

7 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

8 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

The Localism Act 2011 and Statutory Instruments

Community Right to Challenge Statutory Guidance

Portfolio Holder Decision on Community Right to Challenge Ref 0280 – 19th June 2012

<http://open.nottinghamcity.gov.uk/comm/download2.asp?dctype=inline&filename=293/DD0280.pdf>

