

Dear Ms Cairns

Please find below a detailed response to the questions that you asked in your recent email. I hope that this information is helpful.

**Does the Council have a legal responsibility to competitively tender for the contract?**

The Council has a responsibility to comply with a variety of legal rules and procurement guidance that are relevant to the carer support services, not least of which are the EU Treaty Principles of transparency, equal treatment and proportionality, which are reflected in the Public Contracts (Scotland) Regulations 2012; and the duty to secure Best Value that is enshrined in the Local Government in Scotland Act 2003. These requirements are reflected in the Council's Standing Orders in relation to Contracts which are made in terms of the Local Government (Scotland) Act 1973 and must be followed by all Council personnel.

Taking these and other relevant rules into account has led to the decision to tender for carer support services.

The legislation to which the Coalition's letter refers is not yet in force in Scotland and is not likely to be before the spring of 2016.

**Does the Council have an Internal Audit requiring them to tender carer support services?**

No. The Internal Audit report recommended that the contract arrangements be formalised to ensure compliance with the requirements of the Standing Orders. The decision to tender the carer support services was reached consequent to a review of the procurement options available taking into account the legal rules, procurement guidance and Standing Orders mentioned in the previous paragraph. In this regard consideration was given as to whether to continue with the existing services or advertise and award contracts by competition. In reaching the decision a variety of factors was considered, including the impact on service users and carers; the significant resource attached to the current contracts, their longevity and the lack of competition when they were initially awarded. These latter factors sat uncomfortably alongside the above rules and the 2010 Scottish Government's Guidance on the Procurement of Care and Support Services, which also reminds public bodies that they should ensure that all service providers should have equal access to contract opportunities. That said, there is no blanket decision on whether to tender all social care contracts. Each service requirement is considered on its own merits, taking the above rules, guidance and Standing Orders into account.

**Has a Decision been reached – gone to council?**

The Executive Director of Social Care Services has the authority to enter into contracts for Social Care in accordance with the Standing Orders and has in accordance with them decided to tender the carer support services. There is no requirement for the Council to make the decision to conduct a competitive procurement, though at the conclusion of the tender, the Executive Committee will have the final say on the award of any contracts that are valued above £500,000 (over a 3 year period).

**Have Carers Views Been Taken into Account?**

We are mindful of the requirement to consult carers in terms of the 2010 Scottish Government's Guidance on the Procurement of Care and Support Services and already have valuable feedback from many carers in the city of the importance of these key services. Over the last year 341 carers in Glasgow responded to a

survey with 76% stating that they felt supported in their caring role. We also have a range of case studies which demonstrate good outcomes for carers.

We have discussed the tender process with the Carers Reference Group on a number of occasions and more recently we employed the services of an external consultant recommended by the Carers Coalition to facilitate three carer focus groups. The purpose of these was to ensure that the structure of the six core services delivered locally is what carers want and need. The output from the focus groups has not as yet been received but it will be used to inform the final service specification and developing the evaluation criteria.

### **How will tendering produce better outcomes for carers – what are your reasons?**

We trust that the reasons given above explain the requirement to tender the carer supports service, which in summary are that it is of high value and has remained with the same providers for between one and two decades without being exposed to the market, leading to a lack of transparency and limited ability to demonstrate Best Value. Refreshing the specification and contract; and opening the service up to the market will assist to ensure that the Council meets its procurement obligations without losing sight of the best interests of its service users.

### **What are the timescales?**

The current intention is that the tender will be complete by mid-October 2015, which is not considered to be a short timescale.

In conclusion, we are aware that the carer support centres are delivering good outcomes for increasing numbers of carers in Glasgow and we have no desire or intention to cause them stress or anxiety. Whilst we appreciate the concerns that carers may have, we must, in terms of the Scottish Government Guidance mentioned above, make them aware that there must be no bias towards or against service providers that they do or do not know. However, we can reassure them that they will continue to have access to excellent carer services post the tender and their current providers will be well-placed to submit quality bids on the basis of their local knowledge and demonstrated ability to deliver a service within our current budget.

Kind regards

Councillor Malcolm Cunning

**Glasgow - UK Council of the Year 2015**

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