

Dear Councillor

I am writing to you on behalf of the Glasgow members of the Coalition of Carers in Scotland. Several carers have been in touch with us questioning Glasgow City Council's decision to tender for carer support services.

This involves six third sector local carer centres, most of which have been in operation for between ten to twenty years. They are well established within their communities, are relied on and greatly valued by carers. They provide a preventative service to several thousand carers each year, which helps to protect their health and wellbeing, sustain their caring role and prevents them reaching crisis and the person they care for requiring more intensive and costly interventions from the council.

We are seeking clarification on a number of issues which carers have raised with us in relation to the procurement and tendering process. These are outlined below:

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

Carers have been told that the council has a legal responsibility to put carer support organisations out to tender. This is simply not the case. I have been in touch with the department responsible for procurement at the Scottish Government and they have confirmed that the council has no legal duty to tender these services under current procurement law, nor will this position be affected by the changes arising from new EU Public Procurement legislation and also from the Procurement Reform (Scotland) Act 2014.

In fact the EU legislation will introduce a new light-touch regime for care and support service contracts with a much higher threshold. Therefore, while Glasgow City Council has the option to tender carer support services under existing and future legislation, they have no legal responsibility to do so.

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

When speaking to the lead officer for carers in relation to the tendering process I was told that their reason for tendering was because of an Internal Audit which has resulted in all social care services going out to tender, rather than decisions being based on a case-by-case basis.

This goes against the 2010 Scottish Government's Guidance on the Procurement of Care and Support Services: <http://www.gov.scot/Resource/Doc/325109/0104824.pdf>

The Guidance is clear that the council must consider whether to continue an existing service or advertise and award a contract by competition. In reaching this decision they must look at a variety of factors, with the most central factor being the impact on service users and carers. The guidance contains a flow chart (p49) which outlines this

process and concludes:

*Does analysis of the benefits and risks to service users, and service delivery suggest that the contract should be renewed without competition?*

*Does consideration of the impact that a change in service provision or provider will have on service users and carers, continuity of service, the quality and cost of the service, the market and the workforce suggest that the contract should be renewed without competition?*

By enforcing a blanket decision on whether to put contracts out to competitive tendering the council is failing to consider these important factors.

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

We have heard conflicting views on whether a final decision has been made on whether carer support services will go out to tender or not. Our understanding is that it has not been discussed by council and that to date councillors have not had a say in this decision. We are also unclear about whether there is an intention to raise this at any future meetings. We are seeing clarification on this.

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

In a meeting with the lead officer responsible for the tendering process, we advised them that they had a duty to consult with carers and take their views into account in relation to the proposed tender.

To our knowledge, they have undertaken consultation with carers in the following ways:

- Carers from the Carers Reference Group were informed of the decision to tender in April 2015.
- 3 focus groups were held with carers in May 2015, these were facilitated by the consultant firm Animate

At each of these events carers were very clear in expressing the view that they were happy with their current service providers and that they did not want the services to go out to tender

We suggest that councillors view the minutes of the Carers Reference Group and the report from the focus groups to confirm this is the view of carers.

We then suggest that councillors take carers' views into account when making a decision on the need to tender local carer support services. In having asked carers to express their views the council now has a duty to listen to what they have to say, otherwise the consultation has been a meaningless exercise.

Furthermore, the procurement guidance makes it clear that where an existing service is going out to tender, current service users should be informed of the potential change of provider and have the opportunity to have their views heard.

Only a small number of carers are aware of the tender, yet several thousand carers use the services of their local carer centres every year. Their views must also be taken into account.

In addition, service-user and carer involvement should not be limited to a one-off focus group. In any procurement process, particularly one involving existing service providers, service-user and carers should be involved in drawing up the tender and in the decision making process. The 2010 Scottish Government's Guidance on the Procurement of Care and Support Services states:

*Public bodies should also take account of the views expressed by service users and carers at the planning stage when:*

- analysing the benefits and risks to service users and service delivery of advertising the requirement and awarding the contract or framework agreement by competition;*
- developing the service specification;*
- developing the evaluation criteria;*
- preparing questions for use in interviews with potential service providers; and*
- considering the involvement of service users and carers in decision making, through participation in site visits and interviews with service providers or representation on the evaluation panel.*

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

To date carers have been given no legitimate reasons as to why the council has decided to put these services out to tender.

Furthermore, they have been reassured that the level of resources will remain the same and that this is not a cost-cutting exercise.

We would welcome clarification on the reasons behind the decision to tender and confirmation that the resources available to support carers will remain the same.

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

We have been told that the decision has already been reached, that the procurement documents are being drawn up and the tender will go out in June / July with decisions on which providers have been successful being made in September / October. Can you confirm these timescales? Also, what is the reasoning behind these short timescales?

We are aware that not all councillors know about the decision to tender carer support services. We believe that questions need to be asked and that all the facts should be examined before a decision on this is made.

It is our opinion that unless there are good reasons for tendering that will result in better outcomes for carers then the exercise is pointless and an unnecessary expense.

Furthermore, it is already causing stress and anxiety for carers who rely on their local carer centres for support. Carers have an established relationship with staff members and are concerned at the very real possibility that they could lose their service.

We would therefore ask for your support in this matter

With thanks  
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