

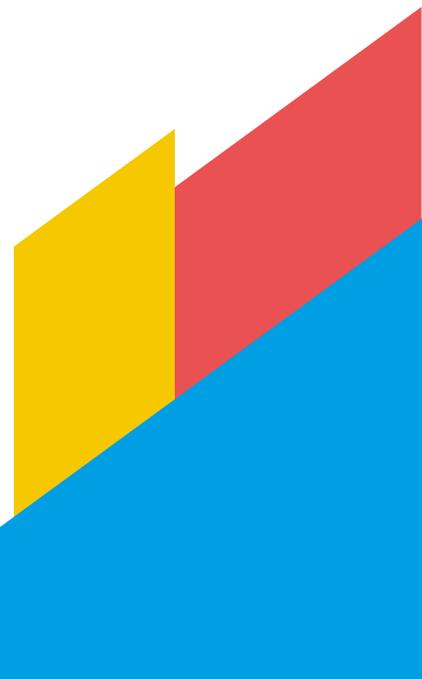
cta

community transport
association

Commissioning for the Community

**Exploring how to cultivate
better social outcomes
through community transport**

November 2019



Commissioning for the Community

A Preliminary Report

Executive Summary

All too often, the transformative benefits that community transport brings to communities across the UK are overlooked.

The CTA believes that a key reason behind such an omission lies in a poorly structured commissioning environment and pressures on the resources of local commissioners, which have pushed them to prioritise the price of a service over wider social and economic outcomes for the communities they serve.

As such, the CTA is excited to launch a new project exploring how commissioning practices can be changed to address this issue.

This preliminary report sets out our ambitions and invites all interested parties to contribute to the conversation on how we can achieve a future where the vibrant work of community transport

and the social value that it creates, both locally and nationally, is best recognised and rewarded.

This paper is a call to action for those who commission, those who provide commissioned services and those who are interested in commissioning to, firstly, contribute your views on some key questions set out at the end of this report; and, secondly, to share any good practice in the commissioning arena that you have effected or know has been effective, whether that is in transport or in another publicly commissioned sphere.

We hope that, in laying out the background of commissioning for community transport as it stands now, as well sharing as some initial thoughts on improving social value in commissioning, we can help spark or fan the flames of some valuable discussion.

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About the Community Transport Association

In all parts of the UK, on every day of the year, thousands of community transport staff and volunteers are helping people to stay independent, participate in their communities and to access vital services and employment.

Community transport is about providing flexible and accessible community-led solutions in response to unmet local transport needs, and often represents the only means of transport for many vulnerable and isolated people. These are older people who have limited mobility and can't leave the house by themselves, people with disabilities who lack the accessible transport they need to make it into town, children and young people who struggle to get to school or access employment, and many others. They live across the UK, in rural and urban areas, and are our friends, our family and our neighbours.

Using everything from minibuses to mopeds, typical services include voluntary car schemes, community bus services, school transport, hospital transport, dial a ride, wheels to work and group hire services. Most are demand responsive, taking people from door to door, with a growing number of scheduled services along fixed routes where conventional bus services are not available.

As community transport is always run for a social purpose and community benefit, never for a profit, it is often the most reliable, resilient and accessible way of ensuring that the broadest range of transport needs can be met.

The Community Transport Association (CTA) is the national membership body that represents and supports providers of community transport across the UK. Our vision is of a world where people can shape and create their own accessible and inclusive transport solutions and our mission is to achieve this through championing accessible and inclusive transport, connecting people and ideas and by strengthening our members and raising standards.

We do this through contributing to the formation of public policy that affects our members and our sector. We show how better outcomes are achieved for people and communities when they have access to accessible and inclusive transport. We create partnerships with like-minded organisations across all sectors. We manage a national programme of quality assured education and training. We provide comprehensive advice and guidance to those delivering community transport and we take every opportunity to champion the vital and indispensable work that our members do.



Introduction

Commissioning and Community Transport

Visit any city, town, or village, and you will find people who are reliant on community transport to get to where they need to be. These are older people whose health and independence are maintained through community groups with a minibus, school children whose local scheme enables them to learn every day, and people living in a rural area whose car club keeps them connected to their community.

A cursory glance of the news in recent weeks brings you a number of community transport stories where it's clear that the work of our sector provides a social and economic benefit beyond transport.

- In Matlock, following a fundraiser, a local resident said "For some people who rely on the community transport service, their driver might be the only person they see in a week."¹
- In Blaenau Gwent, "Community transport is the key to joining up the mainstream transport links."²
- A typical headline from Lancashire reads "A disabled pensioner has said she feels at a loose end after a charitable taxi service stopped taking her to her fortnightly social events."³

This work is often carried out for free, outside of the formal commissioning sphere, and frequently without any impact on other services. Community transport goes where the market is not viable, it travels to places commercial services cannot make economical and it takes passengers to places they otherwise could not get to.

Alongside this informal, loose, but invaluable network, exists the work that community transport operators undertake through contracts obtained through a commissioning process. They do this work under Section 19 Permits, which allow for door-to-door services, as well as under Section 22 Permits which allow for flexible bus routes, and, on occasion under Operator Licenses, which are more widely used in the commercial sector.

This work often provides additional social benefits beyond what is stipulated in a contract and can be carried out to support other services which would

not otherwise be financially viable.

Voluntary organisations touch the lives of 90% of UK households each year.⁴ It is therefore our view that a strong voluntary sector is key to a strong society and to achieving the aims of the Government, whether that is better integrated transport in the Industrial Strategy,⁵ building an economy which can reach 'every corner of the United Kingdom' as laid out in the recent Queen's Speech,⁶ or making the increase in local authorities' adult social care budget go further.⁷

To achieve these ambitions, we need a commissioning environment which is stable, universally understandable, responsive to local needs and which recognises the unique benefits that the voluntary sector can bring to the provision of services.

This paper invites partners to discuss how we can do better for our communities by getting the best out of community transport through better commissioning.

The purpose of this report

The purpose of this report is to set in motion a series of conversations with members and partners that are interested and involved in the commissioning of community transport. We hope this will lead to the development of a new framework for commissioning community transport in a way which best recognises its social value as well as the intrinsic value of CT services which are designed and delivered in a caring way. In turn, this will bring greater social and economic benefits to our communities and support the sustainability of these unique community assets.

To achieve this ambition, this report examines the current commissioning environment for community transport, paying particular attention to how commissioning has changed over time across the UK. Building from there, we explore the current position and possibilities for a greater emphasis on social value considerations in commissioning and offer some new ways of thinking about social value commissioning.

We have concluded this report with a set of key questions which we would love to hear your views on. You may wish to refer to these questions on page 9 while you read to better understand the aims of this paper.

The Commissioning Environment for Community Transport Today

Good commissioning practices give us transparent and rule-governed processes for assessing local markets and defining the terms by which service providers can participate in them. These require a commissioner to have assessed needs, designed a suitable service to meet them before finding and engaging with providers for the service.

In transport, this requires a local commissioner to balance the competing needs of budgetary constraints with local transport requirements. Commissioners are bound by contract and competition law, EU regulations, local authority policies, transport legislation and a requirement to consider social value – a process which the CTA recognises can place considerable pressures on local authorities and other public commissioners to wrestle with a number of competing demands.

Over the last few years, a debate has opened over the terms upon which community transport operators can tender for contracts with public bodies using Section 19 Permits and Section 22 Permits. You can read our full thoughts on this issue on the CTA's website.⁸

Most local authorities have continued to commission from community transport operators whilst this debate has ensued, although a small number have changed their practices despite advice from the Department for Transport not to do so. Fundamentally, we believe that, however the challenges over Permit usage conclude, there has to be a commissioning environment which better accounts for social value and recognises the unique work of community transport operators.

Many CTA members would argue that local authorities use competitive procurement processes where it is not necessary to do so. Similarly, it is our view that awarding a contract through competition, with price as the main or only consideration, does not get the best outcome for the commissioner or client and can leave providers in a precarious existence.

We also believe it is not necessary to commission every service in the same way and it is clear that some community transport operators feel unduly



penalised in the commissioning process because they are not a commercial company.

CTA considers that establishing clear pathways to continue commissioning services from Permit holders will help uphold the confidence of commissioners who want to continue using the excellent services provided by community transport operators. This will also help our members to make their case when submitting bids for tender, especially during a time of uncertainty. With the right commissioning environment, community transport operators and commercial bus companies can compliment each other to ensure that passengers receive the appropriate and best service.

How are community transport services commissioned?

There are two main ways in which community transport services are commissioned. Community transport operators are either invited to bid for contracts to provide a specified service or provided with direct grants from public bodies to run a service, usually a flexible bus route.

Community transport operators, on occasion, receive other forms of grant funding. This includes the Bus Service Operators Grant (a fuel subsidy), monies from fundraising and specific government funding such as the Community Minibus Fund.

The House of Commons Library provides a fuller overview of the funding received by community transport operators.⁹

Allied to this arrangement, the use of local authority run services has receded over recent years coupled with a reduction in the overall amount of available subsidies.¹⁰ In turn, this has meant more contracts, more pressure on services and more gaps filled by community transport providers.

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Which services are delivered by community transport operators?

Community transport operators provide a range of services which are commissioned by local authorities and other public commissioners. We know a significant proportion of community transport operators have competitively tendered for contracts in the past and these were predominantly commissioned by local authorities. These services include adult social care transport, home to school transport and public transport via section 22 services.

We also know that many of CTA's members are providing journeys into health service settings, with only a small proportion receiving any reward and recognition from health service commissioners. We welcomed the announcement of a review of patient transport in October 2019 from NHS England which may provide a means of addressing this disparity.

Furthermore, there is a difference in approach across public bodies and local geographies. For example, CTA's research into health transport¹¹ demonstrated that some community transport operators were providing transport to hospitals to fill in the gaps for commercial operators who were undertaking the same trips under contract at commercial rates. Our members would contend that there is a balance to be struck between over-commissioning and structured remuneration for vital work.

How do they differ across locations?

The kinds of community transport services that are commissioned vary according to rurality and to national jurisdictions. Section 22 services are more predominant in rural areas where public transport provision is significantly lacking and demand for transport comes from all sections of the community. Meanwhile, in urban areas, services are more likely to be tailored towards people who cannot access public transport even if it is available.

In England and Wales, services are more likely to be contracted, whereas services in Scotland are more likely to be grant-funded. This is because competition for services differs in Scotland, such as for island transport.

It should be noted that the use of contracts to this level is unusual by international comparison and it

has been noted that the high use of contracts has limited the Government's ability to achieve stated policy aims. The UK Government's Foresight Future of Mobility project notes:

"[There] is only limited scope for local authorities to steer what they want to achieve through the bus network except through partnership with the private sector operators. In some places (e.g. Reading and Brighton) this has worked well and in others the relationship has been more fractious both between operators and between operators and local authorities. Compared with the position in most European cities, the inability to set fares, routes and frequencies is seen to be a weak governance position."¹²

In Northern Ireland, 13 organisations that have community transport as their primary purpose are commissioned to provide services, with funding allocated annually to these 13 groups. This arrangement creates some uncertainty in the sector as other charities and community groups that provide community transport in Northern Ireland have no access to funding to commission services through the Department for Infrastructure or District Councils. Moreover, funding is often not set aside for transport provision in community plans.

Change over time

Commissioning practices have changed over time owing to funding and an overall shift towards the marketisation of community services. This has meant, firstly, that commissioning has moved away from grant-funding towards contracting for community transport services – a policy that central Government has actively advocated.

"It has been widely recognised that community transport brings great social and economic benefits to the passengers and communities it serves. We believe it is important that local authorities and other public bodies explore how they commission for social value."

Secondly, funding for transport, and particularly community transport, has been reduced or cut completely. Research by the Campaign for Better Transport released in 2018 found that, since 2010/11, supported bus budgets for local authorities in England and Wales have been cut by a net figure of £172 million and £10 million, respectively.¹³

Navigating changes

Many of the services run by community transport operators are not commissioned at all. In the face of public spending cuts and, unable to rely on grant funding, community transport operators have become more dynamic in their efforts to sustain lifeline services.

Methods to raise funds have included increasing the cost of passenger fares, bidding for services that public bodies have decided to put out to tender, and cross-subsidising services in more creative ways – for example, using funds from local authority contracts and section 22 services or charitable trading to support more costly door-to-door specialised transport. Inevitably, some community transport providers working in some of the most transport poor areas have been unable to withstand cuts to resources and have been forced to close down.

Challenges

In summary, the current commissioning environment, as outlined above, leaves community transport operators unable to provide the maximum benefits to their communities and service users for three main reasons:

- Over-contracting has caused complexity, bureaucracy and cost, which community transport operators struggle to navigate owing to limited resources and capacity.
- The ongoing dispute about how Permit legislation ought to apply means that there is little stability in how community transport operators may operate when tendering, or not, for contracts.
- There has been a cumulative reduction in local authority funding without a corresponding level of innovation in commissioning practices to enable community groups to work in a changed context.



Social Commissioning and Community Transport

What is Social Value in Commissioning?

It has been widely recognised that community transport brings great social and economic benefits to the passengers and communities it serves. Therefore, in acknowledging the situation as laid out above, we believe it is important that local authorities and other public bodies explore how they commission for social value.

The National Council for Voluntary Organisations in England explores the idea of social value, beginning with the legal obligations of public bodies, which state that in accordance with the Public Services (Social Value) Act:

“Agencies must consider social value in advance of procurement to allow for social value to be incorporated into the process. They are required to consider the social value of public services (rather than goods or works) on contracts above EU procurement thresholds.”

They go on to define social value, saying:

“Social value is the term used to describe the additional value created in the delivery of a service contract which has a wider community or public benefit. This extends beyond the social value delivered as part of the primary contract activity.”¹⁴

Providing social value sits at the heart of every community transport operator. This includes serving communities beyond the reach of other services, reducing car use through the provision of communal transport, supporting local business through day trips, expanding the reach of

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medical services, or the more intangible benefit of passengers saying they feel more attached to the place they live when they are supported by members of their own community.

Challenges and Opportunities for Social Commissioning

The value delivered by community transport has been proven time and time again. A recent study conducted by Devon County Council published in January 2019, found that for every £1 that they invested in Ring & Ride services, £7.46 was spent on the local economy, with community transport service users spending an estimated £3.46 million in Devon high streets during 2018.¹⁵

We know that community transport is not primarily about creating economic value and users frequently describe how transformative community transport has been for their health and wellbeing. Not only does community transport provide accessible and inclusive transport that enables users to reach everyday necessary services, but the journeys themselves are considered important social settings where passengers make friends, chat about their lives and share the news.

It's not just community transport operators themselves who see the benefits of their work. Indeed, the County Councils Network said in 2018, "Community transport helps prevent earlier and a greater number of adult social care and public health interventions, which would come at a great social and financial cost".¹⁶

If the commissioning environment does not take account of these wider benefits, it will, by design, be prohibitive of smaller companies and voluntary organisations which are best able to deliver social value to their local communities. Often, commissioners are asking volunteers to

engage with contract specifications which are highly detailed with complex evidence requirements that smaller organisations do not have the resources to provide.

It is our experience that commissioning decisions tend to be weighted to reducing the financial cost of the contract rather than maximising positive outcomes for the public.

Recent reports also highlight where social commissioning is not being used to its full potential:

- The House of Commons Public Administration and Constitutional Affairs Committee highlights that the government are often encouraging the privatisation of services without fully understanding the risk of doing so.¹⁷
- Social Value UK reports that commissioning for social value requires buy-in for all parties within the commissioning life-cycle. Our members would argue that they can articulate social value well but that commissioners are not always engaged in the ethos of social value.¹⁸
- The 2015 review into the Social Value Act highlights that there is a need to both consistently define social value and apply it to commissioning practice.¹⁹

We believe addressing some of these issues could have a hugely beneficial impact on the commissioning landscape.

The Political Landscape

The Public Services (Social Value) Act comes amidst a range of other legislative measures which should allow commissioners to consider issues of quality, not just economy.

In England, the Localism Act 2011 helps empower communities to set up and run services and take ownership of community buildings, while the Bus Services Act 2017 equips local authorities (outside of London) with greater powers to plan and run transport in partnership or franchising arrangements with bus operators.

Similar provisions are likely to be coming into place according to the proposed powers of the Transport (Scotland) Bill and the Welsh Government's Improving Public Transport White Paper.

Similarly in Wales, the Social Services and Wellbeing (Wales) Act 2014 emphasises putting an individual and their needs at the centre of care, supporting



people to achieve their own wellbeing, promoting the use of preventative approaches within the community, and stronger partnership across organisations.

And the Wellbeing of Future Generations (Wales) Act 2015 requires public bodies to think about the long-term impact of their decisions on people and communities to prevent persistent problems such as poverty, health inequalities and climate change.

Meanwhile in Scotland, social value is considered to be part of a broader social agenda in keeping with the Scottish Government's Inclusive Growth Strategy, with the Procurement Reform (Scotland) Act 2014, an equivalent of England's Social Value Act, placing an obligation on public sector bodies to deliver and report on social value in the public sector.

On top of this, 'Community Benefits Clauses' have been part of procurement policy and practice in Scotland since 2008 and are covered by clauses within contracts which emphasise benefits such as local buying, training and apprenticeships, educational opportunities, and more.

In Northern Ireland, there is an overall need to review the current commissioning practice to allow for current funding to be better spent. Efficiencies could be made through merging schemes and greater certainty could be delivered by introducing multi-year grants.

Ideas for Social Value Commissioning in Practice

This paper has so far defined the current state of commissioning and looked at commissioning for social value as a way to better recognise the benefits community transport can bring to the sector.

There are a number of suggestions for improving social value commissioning. Some follow a legal approach and focus on strengthening the Social Value Act by making social value mandatory and increasing its weighting in contracts.

Other approaches focus on the devolution of power, either by handing powers of commissioning to local and regional authorities who are better able to engage with smaller and local voluntary

organisations and oversee the implementation of contracts. Some suggest going even further by handing authority and funding directly to community groups to change the entire culture of engagement.

Further solutions propose increasing partnership work between smaller local organisations and larger commercial organisations so that local knowledge and expertise can be coupled with commercial resources and expertise to achieve financial and social aims. Again, it would be necessary to recognise this within contract frameworks.

These solutions need to be carefully considered and we would not advocate a system which would place undue financial strain on local authorities which are already working within significant budgetary constraints. In particular, it would be necessary to consider how any reallocation of funding and powers could ensure equity between urban and rural areas, recognising the distinct needs of each.

It is also necessary to consider how equity can be built into any new commissioning processes and powers without replicating existing social and geographical disparities in terms of access to resources, services, and employment.

We believe social value has many of the solutions to the question of how commissioning can better serve our communities and get better value for the public purse. From the literature and our reading, there are a number of areas which we think deserve further thought:

- Greater weighting of social value metrics in commissioning.
- A commissioning approach which looks at the wider economic landscape, not just single contracts.
- A greater commitment to the sharing of best practice in social value commissioning.
- The facilitation of local authority and community transport commissioning discussions to look at the barriers faced by both parties.
- Clearer guidance to local authorities on which services can remain out of scope for contracts.

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- A local funding settlement which recognises the economic benefits that well-resourced transport links bring to local economies.
- A clear commitment from local authorities that social value has to go beyond the employees of a service to beneficiaries within a community, particularly those facing acute social disadvantage.
- The greater use of co-production - a practice in the delivery of public services in which citizens are involved in the creation of public policies and services. It is a value-driven approach built on the principle that those who are affected by a service are best placed to help design it.
- The greater devolution of powers to local authorities to develop bespoke commissioning arrangements in a post-EU legislative settlement.
- The NHS England review of Non-Emergency Patient Transport to specifically consider how transport can lead to improved health outcomes, including the role of community transport in social prescribing .

Lines of Enquiry

Alongside these policy ideas we would like to engage partners in some questions for further discussion:

1. How can the intrinsic value of the way services are delivered by community transport operators be best expressed?
2. How can services be commissioned in a way that recognises and values the distinctiveness of community transport services and the unique social value they deliver?
3. How can social value be better recognised so that operators providing a public benefit stand out when services are being commissioned?
4. In what way can transport services be commissioned, designed and delivered to reduce the reliance on procurement through tendering?
5. What future role is there for grant-making and other forms of financial support for community transport that doesn't require competitive tendering or other competition-based procurement?
6. What is the role of co-production in the future development of services and how they are funded and delivered?
7. What role should local authorities and other public commissioners' frameworks play in creating a more level playing field between different types of operators?
8. If the UK leaves the jurisdiction of the EU and is no longer subject to European law, what challenges or opportunities will that present for the regulatory framework for commissioning?
9. What additional devolved powers would local authorities require to establish a more dynamic commissioning environment?

Work with us

As experts in the field with in-depth experiences or interest in delivering transport or commissioning services, we'd love to hear any thoughts or experiences from you that relate to these lines of enquiry. Come speak to us at CT '19 or email your thoughts into hello@cta.uk. If you wish to speak in greater detail, please do arrange a meeting with our Policy Executive, Suzanne Lau.

Endnotes

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- 8 CTA's Response to the Department for Transport's Consultation
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<https://www.devonnewscentre.info/community-transport-passengers-support-local-high-streets/>
- 16 County Councils Network Consultation response to section 19 and 22 permits consultation (download)
<https://www.countycouncilsnetwork.org.uk/download/1535/>
- 17 After Carillion: Public sector outsourcing and contracting
<https://publications.parliament.uk/pa/cm201719/cmselect/cmpubadm/748/748.pdf>
- 18 Communities Count, Social Enterprise UK
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- 19 Social Value Act Review, Cabinet Office
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/403748/Social_Value_Act_review_report_150212.pdf

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