

**To all Chief Executives, Chief Constables  
& Chief Fire Officers**

28 February 2003

Dear colleague

**CJC CIRCULAR No 3 of 2002**

This Circular is to update you about the work of the CJC. It would be helpful if on this occasion you could copy it to officers and members with special responsibilities for

- ¥ · education
- ¥ · partnership working
- ¥ · commissioning social care

and as usual to those with corporate responsibility for the procurement and commissioning of services generally.

**CJC Training Day on Contracting Out in Education**

The CJC is holding a training day on contracting out in education. It will be on Thursday May 8<sup>th</sup>, in Central London.

Contracting out creates more controversy in education than in almost any other field, and in particular to how the contracting out of school improvement should be conducted, and what is the best role for brokers. How should brokers be managed ? Can LEAs preserve any of their own buying power when buying itself is delegated ?

Leading speakers from central and local government and the private sector address these questions.

You will be getting a programme and a booking form shortly.

**CJC Guide to Partnership Vehicles**

The CJC is followed up its highly successful Guide to Partnerships and Partnering with a Guide addressed specifically to partnership vehicles.

The new Guide will look at all the main vehicles generally available, and answers in each case a long questionnaire covering all the points which the CJC thinks that authorities and practitioners are likely to want to know before committing themselves to any particular type of vehicle, including

- ¥ · their constitutions - who can become a partner, and who can set them up
- ¥ · which functions and activities they can and cannot lawfully or usefully engage in
- ¥ · their resources - their funding and tax status, their access to charitable status and the LGPS, and whether they can be registered as social landlords
- ¥ · their contracts - whether the EC directives or the LAs (Goods & Services) Act 1970 apply to them, either as clients or contractors

A draft table of contents for the Guide can be found on our website at [www.ipf.co.uk/bestvalue/bvq/CJC/DOCUMENTS](http://www.ipf.co.uk/bestvalue/bvq/CJC/DOCUMENTS)

The Guide is due for publication in May 2003, at a price of £85.00. Full details will appear shortly in our catalogue on the website. It will be in the best value/competition section at [www.cipfa.org.uk/publications](http://www.cipfa.org.uk/publications). To reserve copies, please ring CIPFA Publications on 020 7543 5602, or email [publications@cipfa.org](mailto:publications@cipfa.org). Leaflets with order forms will however be mailed to you nearer the publication date.

### **Commissioning social care; and the effect upon it of delegation, budget pooling, budget alignment, joint commissioning and direct payments**

The CJC is also working on another new Guide, jointly with the Association of Directors of Social Services. The Guide will address the many intractable procurement, value-for-money, legal and accounting problems which now arise when commissioning social care, particularly when using any of the different organisational models now available for doing so.

The CJC is determined, as always, to answer the many controversial questions in plain English, and to quote at length the many bodies of law and statutory guidance which now have to be understood by all authorities and practitioners responsible for commissioning social care. This will be done separately for England, Scotland and Wales.

An outline of the Guide can be found on the CJC's website at [www.ipf.co.uk/bestvalue/bvq/CJC/DOCUMENTS](http://www.ipf.co.uk/bestvalue/bvq/CJC/DOCUMENTS)

If there are any more aspects of commissioning social care which you or colleagues think we should cover, please let the secretary of the CJC know.

### **Code of Practice for Commissioning Local Authority Works & Services**

Subscribers will shortly receive List 4 amendments to the Code. These will include complete revamps of

- ¥ Part 15 - selecting tenderers
- ¥ Part 23 - the trading accounts of **internal** trading organisations
- ¥ Part 2a - the trading accounts of **external** trading organisations

List 4 also includes amendments to cover as much as possible of the exceptional volume of legislation and statutory guidance which now applies to procurement and other methods of commissioning work and services in all parts of Great Britain. It will in particular

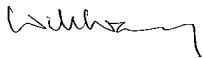
- ¥ identify all available ways of commissioning services from SMEs, social enterprises and voluntary and community organisations; and for helping them to tender successfully
- ¥ describe further ways of enhancing ESEWeb
- ¥ note the possible role of arbitrators in updating long-term contracts
- ¥ provide for Scottish Executive guidance on employment issues
- ¥ update the contents of OJEC notices
- ¥ list the anti-discriminatory duties of local authorities and contractors.

This will be the last edition of the Code in its current form. It will be replaced by a comprehensive Standing Guide. This will be regularly updated, as before, but will be available both on CD Rom and in hard copy. These changes are dictated by

- ¥ the sheer volume of material to be covered - however concisely put, the resulting hard copy is bulky to carry around
- ¥ the rapidly growing divergence between statutory requirements in England, Scotland & Wales. Users will, on CD Rom, be able to choose whether to view the Guide, as now, in all-GB format, with the various national differences stated paragraph by paragraph; or in a free-standing version for any one of the three countries
- ¥ the increasing need for a Guide rather than a Code of Practice. The Guide will continue to state the CJC's robust views as to what practitioners are still free to do in many contentious areas; but plain language analyses of the constraints on all the disciplines with a role in commissioning works and services must come first. The Guide will quote much more fully than now from statutory sources.

If there are any aspects of commissioning works and services which you or colleagues believe we have so far failed to cover, please let the secretary of the CJC know.

Sincerely



Will Werry, chair

7 March 2003