

APPENDIX 1

SCRUTINY BOARD (CENTRAL AND CORPORATE FUNCTIONS)

INQUIRY INTO PROCUREMENT, OUTSOURCING AND COMMISSIONING SERVICES

TERMS OF REFERENCE

1.0 Introduction

- 1.1 At its meeting on 9th June, Scrutiny Board (Central and Corporate Functions) resolved to undertake an Inquiry into the procurement, outsourcing and commissioning of services. The Board agreed to take a broad view of how options are appraised and what procedures are in place to ensure smooth transition of services.
- 1.2 The Board is particularly interested in how the Authority measures the value for money received from external service providers, how the quality of services is ensured once provided externally and how the ethical framework of the Council is translated within contracts.

2.0 Scope of the inquiry

- 2.1 The purpose of the Inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:
- Contractual options and the legal framework within which services can be outsourced.
 - The pre-decision making process and how options are appraised
 - The process of transferring staff and the options available to the contractor and the Council
 - The review arrangements once a service has been outsourced and the Council's procedure for monitoring performance
 - The measures available to the Council where issues in performance delivery are identified
 - How the Council ensures the ethical values of the Council are incorporated into contracts
 - How organisations commissioned to deliver services meet the duties within relevant equality legislation (Leeds Equality & Diversity Scheme 2008 – 2001)

3.0 Comments of the relevant Director and Executive Member

- 3.1 In line with Scrutiny Board Procedure Rule 12.4 the views of the relevant Director and Executive Member have been sought and have been incorporated where appropriate into these Terms of Reference. Full details are available on request to the Scrutiny Support Unit.

4.0 Timetable for the inquiry

4.1 The Inquiry will take place over three sessions with a view to issuing a final report on 6th April 2009.

4.2 The length of the Inquiry is subject to change.

5.0 Submission of evidence

5.1 Session one – (7th July 2008)

To agree terms of reference

5.2 Session two - (6th October 2008)

- Contractual options and the legal framework within which services can be outsourced.
- The pre-decision making process and how options are appraised
- The process of transferring staff and the options available to the contractor and the Council

5.3 Session three - (1st December 2008)

- The review arrangements once a service has been outsourced and the Council's procedure for monitoring performance
- The measures available to the Council where issues in performance delivery are identified
- How organisations commissioned to deliver services meet the duties within relevant equality legislation (Leeds Equality & Diversity Scheme 2008 – 2001)
- How the Council ensures the ethical values of the Council are incorporated into contracts

5.4 Session four - (6th April 2009)

- To agree final report

5.5 The Board will use working groups to collect appropriate evidence if applicable.

6.0 Witnesses

6.1 The following witnesses have been identified as possible contributors to the Inquiry:

- Procurement
- Legal Services
- Contractors
- Private Sector

7.0 Post inquiry report monitoring arrangements

- 7.1 Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored.
- 7.2 The final inquiry report will include information on the detailed arrangements for how the implementation of recommendations will be monitored.

8.0 Measures of success

- 8.1 It is important to consider how the Scrutiny Board will deem if their inquiry has been successful in making a difference to local people. Some measures of success may be obvious at the initial stages of an inquiry and can be included in these terms of reference. Other measures of success may become apparent as the inquiry progresses and discussions take place.