



## **PUBLICATION OF GUIDANCE ON THE PROCUREMENT OF CARE AND SUPPORT SERVICES**

### **Purpose**

1. The purpose of this Scottish Procurement Policy Note (SPPN) is to inform public bodies of the publication of new guidance on the procurement of care and support services.

### **Background**

2. The guidance has been jointly developed by the Scottish Procurement Directorate (SPD) and the Joint Improvement Team (JIT) within the Scottish Government in consultation with a Reference Group with representation from local authorities, COSLA, regulators, carer representative organisations and independent, voluntary and public sector service providers. It has been informed by: national surveys of local authorities and service providers; meetings with local authorities, service providers, service users, regulatory bodies and local authority legal advisers and discussions with the Scottish Human Rights Commission.

3. Draft guidance was published for public consultation in January 2010<sup>1</sup>, eliciting over 90 detailed responses.

### **Detail**

4. The guidance has been developed in recognition that the procurement of care and support services requires special consideration within a public body's overall approach to the procurement of goods, works and services. In some instances, social care principles may not appear to fit within the procurement rules: there are apparent tensions between public bodies' duty to respond to individuals' needs and

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<sup>1</sup> SPPN 1/2010:  
<http://www.scotland.gov.uk/Topics/Government/Procurement/policy/SPPNSSPANS/policy-notes/sppn12010>

wishes and the tendering of new, and re-tendering of existing, services. This guidance aims to assist all staff involved in the procurement of care and support services to make decisions that comply with the applicable policies, legislation and human rights obligations.

5. The guidance describes a service user and human rights based approach to the procurement of care and support services in Scotland, provides information on the policy and legal context and considers the arrangements that public bodies should put in place individually and collaboratively to promote good practice procurement. It outlines key considerations for public bodies when procuring a new service or securing the continuation of an existing service and provides detailed advice on the procurement process.

6. A Development Group is being established to support implementation of the guidance. Membership of the Group will comprise Scotland Excel, JIT, COSLA, the Association of Directors of Social Work, SPD and service provider and service user and carer representatives. The Development Group will put together a forward work programme which identifies areas in which public bodies require further support; it will also promote the development and dissemination of good practice.

### **Action required**

7. All staff involved in the procurement of care and support services, including commissioning and contracts officers, care managers, legal officers and finance officers, should familiarise themselves with the guidance, which is available on the Scottish Government's website (see links below). Public bodies are expected to review their local policies and procedures for the procurement of care and support services to ensure that they are consistent with the guidance and the applicable law. A summary of the key actions required by public bodies to implement the guidance is included in Chapter 12.

- Guidance on the Procurement of Care and Support Services  
<http://www.scotland.gov.uk/Publications/2010/09/14155901>
- Guidance on the Procurement of Care and Support Services - Summary  
<http://www.scotland.gov.uk/Publications/2010/09/14160052>

### **Dissemination**

8. Please bring this SPPN to the attention of all relevant staff, including those in Agencies, Non-Departmental Public Bodies and other sponsored public bodies within your area of responsibility.

## **Contact**

9. Enquiries about this SPPN should be addressed to Susan Duncan, Scottish Procurement Directorate, telephone 0141 242 0195 or e-mail [susan.duncan@scotland.gsi.gov.uk](mailto:susan.duncan@scotland.gsi.gov.uk).

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