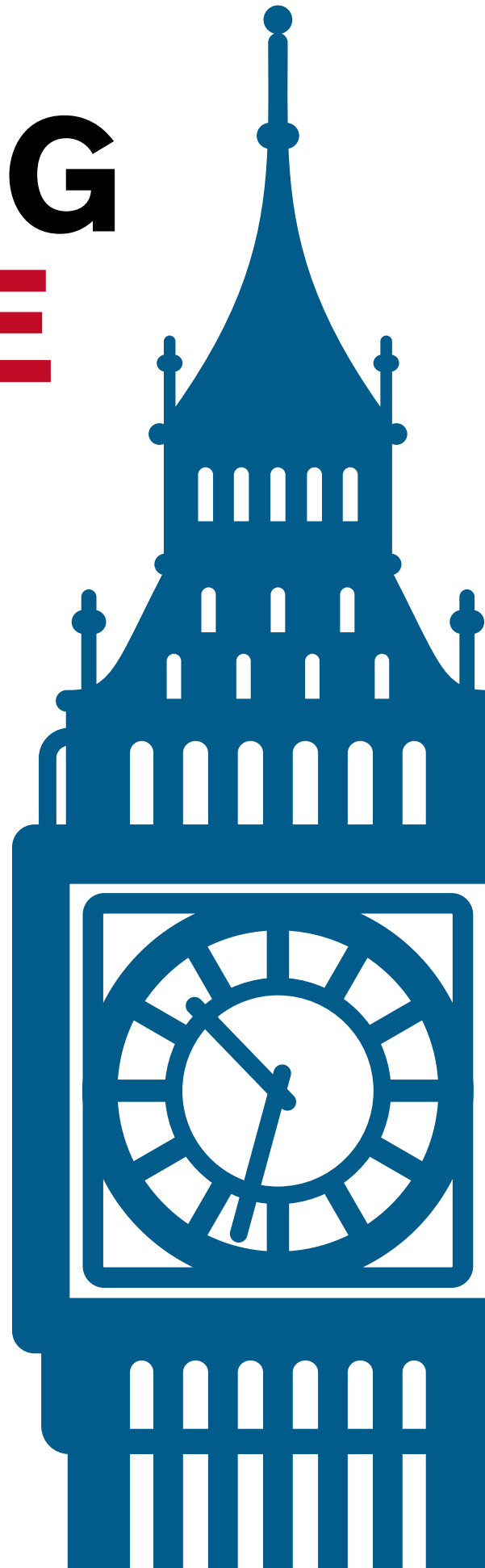


REMAKING THE STATE

Remaking the Social Contract between
Public Services and Our Most
Vulnerable Citizens

Summary Recommendations of the ACEVO Commission
into Delivering Better Public Services

Chaired by Rob Owen and Will Hutton



Published in 2015

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REMAKING THE STATE

A Call to Action

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CO-CHAIRS' FOREWORD

BY ROB OWEN AND WILL HUTTON

These are tough times, not only for the third sector, but for all who care about our public services.

Too often services are commissioned based on price, rather than effectiveness. Too often cuts to services bite the hardest to reach with the most severity. This cannot go on.

What we set out to do in this report is to find a way to improve the operation of the state, without simply throwing more money that is not there – while at the same time holding the concept of dignified, humane care at our core.

We wanted to articulate something more than abstract ideas or improvements. We wanted to enable the design of public services which deliver meaningful improvement to the lives of individuals. Not meeting targets mandated by Whitehall, but providing public benefit as would be understood by the public. We wanted to give real power to our citizens and the right to hold public service providers and politicians to account. The *big society* for real, you might call it.

Our results are compelling and challenging. We outline three major ideas. First, *we call for an increased, tangible focus on raising the total percentage of government spend that goes on preventative spending*. 'Five for the Future' is our challenge to government. We will need a concerted public and policy campaign, aimed at securing the 5% of overall public spending initially across major delivery departments that work with vulnerable people: health, welfare, justice, the Home Office and education. This feels ambitious but given the cuts preventative services have faced, it only in absolute terms gets us back to where we were in 2010. And so we want 'Five More for the Future', beyond that with preventative spend rising to 10% of total government spending over the next 5 years and a proper implementation plan on a budget-by-budget basis. By doing this, we can realise the potential of public services to improve peoples lives and become more cost-effective.

Secondly, we call for a *Community First test* to be applied to the big procurements for our crucial public services in the above departments – including the next round of Work Programme contracts. This will help us truly level the playing field, enabling commissioning to become a powerful tool for the improvement of our lives. One size does not fit all. From worklessness to rehabilitation we need specialist programmes for the hardest to reach filtered by locality. And they must be accountable.

Accountability is key to this. We must give citizens the power to take control of their own lives and feel empowered to change things. So finally, and perhaps most ambitiously, we call for a *Public Services Constitution and a strengthened power of public service super-complaint*. Too often, reform to the system is never fully achieved. It is lost in warm words and pleasant platitudes that augur well (Big Society being one example) but cannot deliver in the face of hard economic policy. Thus, we argue that we need to give citizens *written, enforceable rights* to good service, including via choice and to voice, to dignity of care, to government tackling problems early in a document that applies to all, no matter their background or wealth. The Public Services Constitution would allow this change, by empowering the public to demand services which are working in their best interests. A *strengthened power of super-complaint (borrowing an idea from the commercial sector)* would help give this constitution teeth, enabling aggrieved groups of citizens to work with an approved organisation where they are systematically harmed by a service to hold the government to account.

What we are arguing for here is a new relational compact between the state and individual. The Public Services Constitution will lock in the citizens right to services that empower them and their communities far more effectively than any abstract ideas. Furthermore, it is our contention that, over time, this will actually deliver significant savings for government and deliver better value, and more humane public services for our citizens

These are the challenges from us: smart, compelling changes which we must see if public services are to be redesigned to ensure that they are delivering meaningful improvement on the ground, in peoples lives. They are strong commitments and they are eminently implementable. We look forward to working with politicians and campaigners of all stripes to develop them over the coming weeks, months and years.

We would like to thank our commissioners for the work that they have put into this report. Their insights and experience have proven crucial to the conclusions which we have reached. We would also like to thank ACEVO for bringing this commission together, and then working to ensure that our voices were heard. Finally, we would like to thank the City of London Corporation and Social Investment Business for their generous sponsorship, without which important interventions like this would not be possible.



Rob Owen
CEO St Giles Trust



Will Hutton
*Author of 'The State We're In' and
columnist for The Observer*

Co-Chairs of the ACEVO Commission into Delivering Better Public Services

A CALL TO ACTION: REMAKING THE STATE IN SUMMARY

The Better Public Services Commission was created in 2014 by the Association of Chief Executives of Voluntary Organisations (ACEVO). The Commission was co-chaired by CEO of St Giles Trust Rob Owen and author, social commentator and journalist Will Hutton. A full list of commissioner biographies can be found in the appendix to the full report.

The Commission met several times over the course of 2014/15. Its work further included workshops and hearings on the ground in Manchester, original survey research and expert testimony.

This *Call to Action* forms the executive summary of the report. The full document, which contains the research underpinning it is available in full at www.acevo.org.uk/Remaking_the_State_Full_Report

The Problem

Public services should deliver meaningful improvement to our citizens' lives. In many cases they do and we are grateful. But at the limit, and especially when it comes to supporting vulnerable people, too often we are getting it wrong. Consider high profile cases like Winterbourne View, where it fell to a BBC Panorama documentary to expose the failures of a subsection of the care system; where subsequent research has shown just how the system itself gets in the way of good public service delivery – and which in practical terms means that vulnerable people with learning disabilities are institutionalised rather than given the community care they need.

This is but one tragic example; our task with this report was to uncover whether cases like these operated in isolation or whether there was something more serious at work; whether we are experiencing a *breakdown in the social contract* between the Government and our most vulnerable citizens, whereby the public services delivered to them feel at times indifferent to the improvement they are supposed to create.

There could be many causes for such a *care deficit*. The national debt doubled over the course of the Coalition era; austerity is therefore here to stay, it seems, and this can often lead to hard-pressed commissioners looking for quick cost savings rather than long term value. And yet, *when smart, forward thinking services that get in early and prevent problems before they become failures are cut, lives are destroyed and huge demands are stored for the exchequer.*



Back in 2010, there seemed potential for a new approach under then new Prime Minister David Cameron's 'Big Society' idea: it was not to be. Even government engagement with the third sector, of good quality for much of the Coalition era, has more recently been pared down. When talking about the third sector we consistently returned to the idea of stickability. That is to say that third sector services both pre-date and endure beyond government commissioned action. The third sector can be a powerful, community focused partner for government as a result. Despite this, the virtues of third sector-government partnership have all too often been forgotten by those responsible for our citizens welfare. The result of this is that our citizens suffer in the short, medium and long terms. These virtues – we characterise them as the sector's six key 'apps' for the commissioners looking to support vulnerable beneficiaries – should be at the centre not at the fringes.

The Stickability of the Third Sector: Six Key 'Apps'







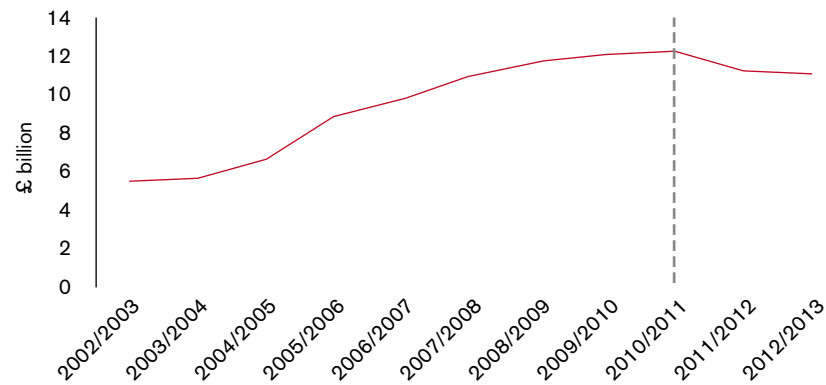
- | | | |
|------------------------|---|--|
| Prevention |  | Third sector organisations through working in communities and helping build community-based care and service organisations help prevent problems and reduce demand on the state. |
| Personalisation |  | Third sector organisations have long been at the forefront of providing personalised services to their user. For example, the Hofmann Foundation for Autism attempt to include their patients at every stage on their activities. |
| Innovation |  | Third Sector organisations often drive innovation in public services, as well as in the practices of the wider economy. |
| Collaboration |  | We are seeing more third sector organisations joining up with each other, and working together and cross-sector to realise their objectives. Examples of consortium working and alliancing are rising. Charities come together to pool very different skills and expertise in order to serve multiple needs and provide joined-up services. |
| Integration |  | Third sector organisations are well suited to provide a 'holistic' approach that tackles multiple problems. For example, organisations like Barnardo's partnering their efforts to reduce homelessness amongst young people with schemes around education. |
| Participation |  | Third sector organisations are able to engage where others cannot, and carry out the tasks that others can't. The state's chances for meaningful intervention in the lives of many vulnerable people in our poorest communities are dramatically reduced absent third sector partnership and the trust that charities bring in these local spaces. |

Figure 1: Falling Government Contracts Granted to the Voluntary Sector 2011–2013



Despite this, our research suggests that Government appears to be stepping back not forward. *This has resulted in decreasing not increasing quantities of public services being carried out by third sector organisations, while the privatisation of public services continues apace.* In that action, *as the quality of partnerships between government and the sector go backwards, not forwards, the Big Society idea is left in limbo.*

The lack of direction shown is the symptom of a policy that has seen too many vulnerable people – most obviously in the context of large, indifferent, dehumanising service delivery programmes’ – suffer. To be serious, these programmes must deliver meaningful improvement to these people’s lives and often – not always, but often – that means finding ways to work with the third sector, not finding ways that ignore and exclude it.

The search for savings though important has too often become a search for scale. The evidence shows that this does not always lead to meaningful improvement in people’s lives, or indeed taxpayer value. Quite the reverse.

Challenges

The challenges we set ourselves as a group were therefore as follows:

- How can we make the case for spending that prioritises value to the citizen as a recipient of services and as taxpayer over price – and delivers higher quality services for now and saves money in the long term?
- How can we rectify some of the mistakes of the previous years to ensure that our current systems better support vulnerable people?
- How can we enable citizens to take control of public service systems that clearly fail them?

These challenges formed the basis for our study. It yielded recommendations for government and also for the third sector to ensure that this partnership is primed to deliver the public services our citizens deserve. *Together, these recommendations provide a compelling prospectus for smart, low cost, and indeed, cost saving change that meaningfully improves the lives of our most vulnerable citizens – and remakes public services for the better.*

OUR RECOMMENDATIONS: THREE MAJOR CHALLENGES FOR PUBLIC SERVICE REFORM

Challenge One: Five for the Future and Five More For the Future: Pushing Prevention Spending to Biting Point through Sustained Cross-Sector Advocacy

Prevention spending matters. It is humane and it is an efficient to focus on preventing harm from occurring where possible rather than waiting on suffering and dealing with its consequences, human, social and financial.

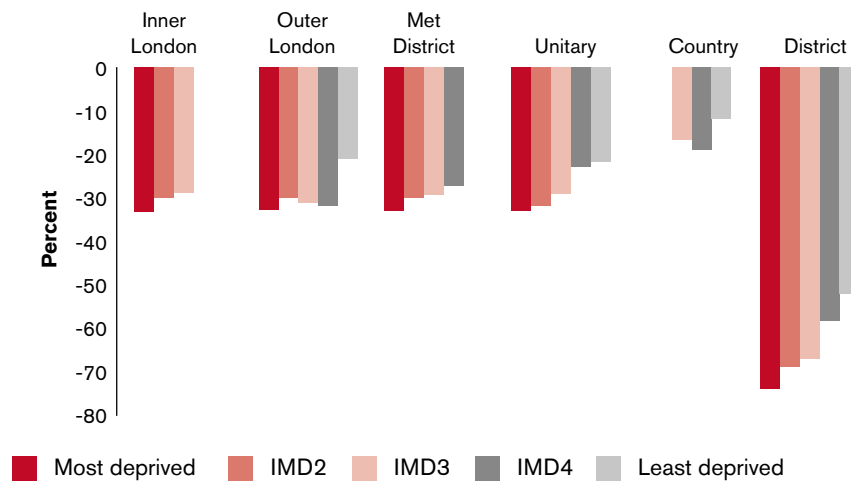
Crisis management spending is the overwhelming bulk of government outlay despite the growing mass of evidence that supports early intervention in a huge variety of contexts. It is clearly cheaper and more humane to help an individual find employment than pay for long-term benefits, to rehabilitate offenders than to pay for additional jail cells due to recidivism, to care for looked-after children better rather than put them at a disadvantage before their adolescence.



It is therefore a moral and social catastrophe that over the last parliament, spending in key areas fell by up to 45%: nearly half.

This is largely due to the *preventative services 'triple-whammy'*. First, the cuts have fallen hardest on the poorest areas, where prevention has 'with 'preventative services are trialed most, and have the greatest potential, so this leads to the inevitable tail-off.

Figure 2: Real change in Spending Power 2010–2015 by Class of Authority and Deprivation Band (percent)



Secondly, prevention spending is holistic, covering several departments, so it is often characterised as ‘nice to have’ rather than crucial. Preventative spending by the Department for Education may accrue saving by preventing criminal activity, the savings are reaped by the Ministry of Justice. This separation of budgets means that preventative spending is often not a practical use of a department’s money.

“It is therefore a moral and social catastrophe that over the last parliament, spending in key areas fell by up to 45%: nearly half.

Thirdly, the potential savings of preventative spending remain disputable; uncovering their true benefit is a constant source of social scientific inquiry.

We need to change this. That’s why we want to bring the sectors together to *build Britain into a world leader in preventative public services.*

- **Five for the Future** is our campaign to ensure that 5% of all government spending, especially in major delivery departments, (initially health, welfare, justice and education) is spent on preventative services. This would be approximately double the current tally and take us beyond where we were at the start of 2010.
- We also believe we should go further. Over the course of the next five years, we urge government to turn this into a whole government commitment and to push total spending on prevention up a percentage point each year to 10% of the total by the end of 2020. We call this **Five More for the Future.**
- Realising this will require structural change; the implementation of longer term government accounting cycles and social programmes whereby the responsible Minister justifies the choosing of a particular impact and accounting cycle for a social programme on the floor of the House.
- ACEVO will be dedicating a tranche of future research output to yielding further savings across the public services spectrum from preventative services.

We urge those who care about public services to get this behind this campaign, share the infographic below, and push preventative spending up the agenda. Though our campaign is ambitious, we consider it a minimum requirement of a decent, humane, 21st century public services system.

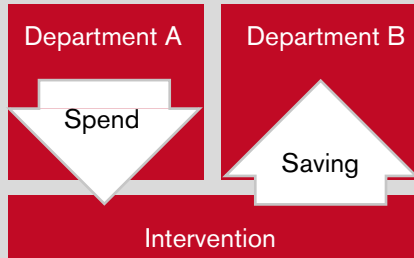
Five for the Future: Why Prevention Spend Matters and What You Can Do To Help

The Triple Whammy of Prevention

- Preventative spending has fallen by as much as 45% in key areas over the last 5 years.
- This is despite the fact that preventative spending helps keep children out of care homes, the elderly out of hospital and everyone else from falling out of work.

Why is prevention such an easy target?

- Cuts fall harder on the poorest areas, where prevention is most needed
- Preventative spending covers several departments. Spending in one area may create savings elsewhere



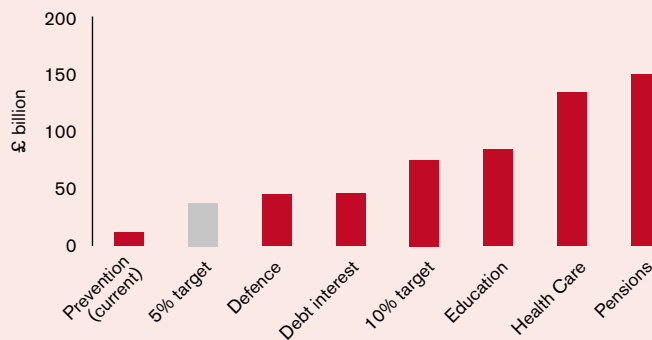
- Potential savings remain estimates, although social science is continually making better estimates

How much could prevention save us?

Area	Potential Saving
Children in Care	£486 billion over 20 years
Public Health	£30 billion a year
Care for the Elderly	Billions a year
Homelessness	Between £104 and £616 million
Late-run Intervention	£17 billion a year

This is why we're arguing for **5 for the Future**. 5% of government spending equates to nearly £40 billion a year. This is less than we spend on paying the interest on national debt.

UK Government spending by cause



This money would go to keeping people healthy, keeping our workforce engaged, helping rehabilitate criminals into society, and keeping hospital beds clear.

Bringing this figure to 10% of government spending – **'5 More for the Future'** – will bring spending on prevention into line with spending on primary and secondary education – **we can do this.**

We will be fighting for this until it is achieved. We will campaign around budgets, autumn statements and spending reviews. This is too important an issue to leave to chance.

This is an ambitious target, but it is necessary if we are to realise humane public services, so please support and share our campaign.

Challenge Two: Breaking Up the Big, Harmful, Public Service Procurement Programmes, a ‘Community First’ Test and empowering local third sector organisations

The Government’s Open Public Services idea was a positive position to take and the notion that public services should be delivered by the best service provider available, whatever sector they come from is pragmatic and sensible. Yet the promise of the idea has not been realized. Our research suggests that *market domination of public services by a few large companies has actually grown since the initiation of Open Public Services agenda*. Not only does this fail to elicit the desired innovation, it also opens the government up to potentially substantial costs should one of these major suppliers fail. Indeed *we are in danger of having swapped a government monopoly for a private sector oligopoly*.

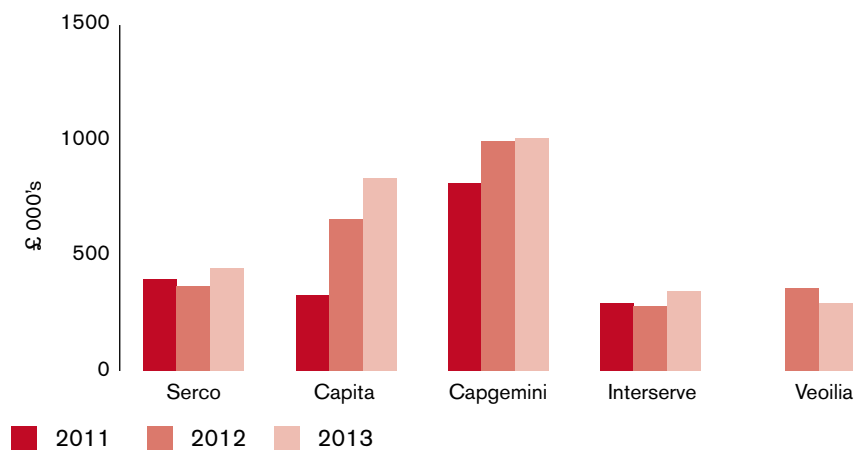
“Some public service markets, such as for private prisons, asylum accommodation or the Work Programme are now dominated by a small number of contractors, and the government is exposed to huge delivery and financial risks should one of these suppliers fail.

House of Commons Committee of Public Accounts 2013–14

On the ground, the picture has looked increasingly concerning. The Work Programme – perhaps the most high profile of these outsourcing programmes, worth around £3.3 billion – has faced several major problems, *with only 5% of providers, whatever their sector, being happy with the system*.

Little wonder that life improvement through the programme has been all too fleeting for the most vulnerable. Despite its attempts to better serve the hard-to-reach who are claiming ESA, the programme has barely dented their numbers. For them it has certainly not worked.

Figure 3: Rising Government Contracts Received by Major Private Sector Providers (at the same time as Third Sector Numbers Fell), 2011–13



The problems with the Work Programme are a microcosm of the problems experienced by systems that seek to deliver services to vulnerable people as a whole in our time under the current dispensation.

- The practice of ‘creaming and parking’ whereby prime contractors set aside the most difficult cases has been endemic.

- The primary metric used to commission the services is often price, especially when delivering on a large scale. This favoured large organisations and shut out community organisations with all they have to offer. Indeed, the case of the Work Programme, 25% of the total value was awarded to one company.
- There were significant problems around referral numbers. One charity, specialising in drug and alcohol addiction rehabilitation, was told to expect 1,000 referrals in the first year. They received only 5. This level of uncertainty is not something which smaller organisations – business or charity – can absorb.
- Furthermore, nearly half of third sector providers have indicated that have subsidised the delivery of the Work Programme from their own reserves. Such a situation is neither practical nor desirable.

Subsequent major commissioning programmes have displayed many of the same failings, with community organisations and even small businesses that can deliver much that is unique for the most vulnerable simply shut out, unable to compete on upfront cost under the current system. *This is not open public services but an ever more closed shop.*

We want the Government to have the freedom to learn from its mistakes but we need them to show that they are indeed learning, not doing more of the same or even getting it worse.

As part of this, we need to ensure that the commissioning environment is truly a level playing field; a meaningfully open space. Indeed, this is the minimum requirement on government: *to deliver proper market stewardship.*

In order to realise this, **we propose a ‘Community First’ test should be introduced to major commissioning projects in the delivery departments that deal with services affecting vulnerable people** (initially health, welfare, justice and education). This is about ensuring that the meaningful improvement of people’s lives is placed above considerations of price. It requires that organisations that have a track record of helping the vulnerable targets of a programme are not excluded from commissioning due to the form of the contracting a lack of guidance or excessively accelerated commissioning timetables. This test should be designed by the Cabinet Office in such a way that it meets these objectives and pushed out across government. *It will certainly require the systematic break up of the Work Programme and similar large-scale procurements so as to be more manageable and to help people receive adequate care.* It will require *localisation of work programmes* and other large scale procurements to make them more locally responsive. This is the opportunity and also the imperative posed by real devolution; to enjoin the stickability of the local third sector and empower them to improve lives and create long term savings.

It also requires better accountability from the bottom up as well as the top down. We cannot allow our citizens to be helpless in the face of hopeless practice. As more services are outsourced, there is greater potential not only for innovation but also, unless managed closely, greater problems to arise.

“ *We cannot allow our citizens to be helpless in the face of hopeless practice.* ”

This presents a major opportunity to ensure that the provision of public services is geared towards the best interests of those who rely upon them. It is about giving more power to people; the real purpose of reforming public services for those without

a voice. We urge government, opposition and citizens to back these ideas, challenging as they are, if they are to back better public services.

Why We the British People Need a Public Services Constitution: Outlining and Enforcing the Standards Citizens' Deserve

Accountability, giving people power to have control of their own lives as public service users was a key challenge considered by the Commission. This was, after all, supposed to be the beating heart of the Big Society idea and Open Public Services agenda. Openness, relationality and rights are the keys that bind good systems together, and that ensure the needs of citizens are met within the envelope of what we can afford. This dialogue has not found their expression in the public service systems we have created whoever has been in charge this last decade. The Government cannot be happy to see their vision being lost at the hands of a system that sets them up to fail.

This is not just an ideological problem, but places the lives and livelihoods of vulnerable individuals at risk. As such, accepting the status quo, and merely arguing for incremental change, is not a sufficient response. Good words and solid principles like Big Society and Open Public Services have been found, on their own, to be wanting. Instead, we need a sea change in the culture of public service delivery: a constitutional intervention.

Creating a 'Public Services Constitution' is therefore our final recommendation.

It should be focussed on ensuring that the primary aim of any public services is to deliver meaningful improvement to the lives of those who need it most. It should commit, not only to prevention as the best way to minimise social harm, but also on the rights of communities to help develop their services, and of individuals to be offered a meaningful voice and choice in the care they receive.



This is not as grand an undertaking as it first sounds. There have been several attempts to enact a new relationship between the state and the public. From the NHS constitution to the Compact, these efforts – whilst not without merit – have often failed to have the desired impact because they have lacked teeth or backing from the front line.

Rather than moving away from these experiments, we should try to build upon them. A constitution would give citizens meaningful rights to choice of provider, provide them with a meaningful cultural level of care in the receipt

of their service. They could be sure that their services are being delivered with social value in mind. An extended power of super-complaint that could be triggered *in extremis* is key. To achieve this we could well learn from the regulation of the commercial sector. Here, there is the recourse of ‘super-complaints’ – actions brought by named groups (such as Which? And Citizens Advice) – if consumers are being wronged on a systematic level. To avoid vexatious complaints, rather than dealing with individual failings, it is reserved for cases where large numbers of people have been misled or disadvantaged.

We propose strengthening the power of super-complaint in the public sector, so that groups of wronged citizens who have been systematically let down by the programmes provided by any government agency can present to an approved petitioner (often from the third sector) who in turn can raise an action with government.

The public services constitution is a crucial step to remaking the social contract between public services and our most vulnerable citizens. We urge politicians and citizens to commit to meaningful improvement of public service users’ lives – and draw up proposals for its creation.

We the British People Need a Public Services Constitution

- *To ensure that problems are tackled harm is prevented before they can do more damage*
- *To realise the principles of open public services and reform driven by citizens*
- *To recognise the right of citizens to have more control over their lives*

What’s in it?

- *Community and personal rights to meaningful choice and voice regarding the services we receive*
- *A commitment to being treated with care and dignity*
- *A commitment on the part of government to get in early, to tackle problems before they become catastrophes – the community right of supercomplaint – we can band together and work with an approved organisation if public service systems aren’t working for a significant number of vulnerable people*

List of Commissioners

Rob Owen, CEO, St Giles Trust – Co-Chair
Will Hutton, author and journalist – Co-Chair
Dan Corry, CEO, New Philanthropy Capital
Michael O’Toole, CEO, Mentor UK
Fiona Weir, CEO, Gingerbread
Steve James, CEO, Avenues Group
Christine Chang, Big Society Capital

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Jon Davies, former CEO of Wikimedia Foundation UK

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Biographies of Commission members and comprehensive research references can be found in the full research report.

AFTERWORD BY SIR STEPHEN BUBB, CEO, ACEVO

Over a decade on from ACEVO's publication *Replacing the State*, we were in need of a stock-take of our public services. This is why ACEVO brought together this Commission, and its recommendations are ones which should be heeded.

Public services are no longer always working in the best interests of the people. Too often, government prioritises keeping the books balanced over working to improve the lives of the people whom they serve. This is simply not a tenable situation to carry forwards. Instead, major changes are needed. This report contains such reforms, and I welcome these.

I am hugely grateful to Will and Rob for their work in chairing this, and steering the report to its completion. What they have done here gives not only the third sector, but also those involved in broader public services, a new blueprint for their future action. In this difficult time, with charities under more pressure than ever before, this report gives us hope that we can still carry out the crucial work which we do for the public benefit.

The report is a remarkable piece of work, containing research alongside provocative analysis. I am grateful both to the Commission members, who have given their insights into the issues being examined, and the secretariat, who have captured them herein.

From the findings of the Commission, and this thought-provoking *Call to Action* piece, we can see three clear campaigns emerge, which ACEVO and I will be keenly pursuing going forwards.

Together, they represent a roadmap for the future of public services. As we did 12 years ago, I call on the Government to heed these, and for politicians to work with the public and the third sector to help realise a more meaningful future for public services.



Stephen Bubb

Sir Stephen Bubb

ACEVO is the UK's largest network for Charity and Social Enterprise Leaders

For nearly 30 years, we have provided support, development and an inspiring, collective campaigning voice for our members, the leaders of small, community based groups, ambitious medium-sized organisations, and well known, well-loved national and international not-for-profits.

We offer our members exclusive access to personal development opportunities and mentoring tailored to senior leadership roles; networking and learning events; bespoke consultancy and solutions that help boost their businesses; and discounted professional services delivered by our partners. In concert with our membership we craft positions on issues of importance to the third sector and our members' work – and we offer a leading and decisive voice that shapes the agenda.

ACEVO stands for the Association of Chief Executives of Voluntary Organisations. Membership is open to social leaders of all stripes: to charity and social enterprise chief executives, to senior leaders, to chairs and to trustees.

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Our members are professional and passionate in achieving change and delivering results; well-led, with a commitment to professional development, training and diversity; well-governed and accountable, with robust and fit-for-purpose systems to protect independence and enable effective decision-making; enterprising and innovative, taking an entrepreneurial approach to funding issues and striving for continuous improvement and sustainable development.

For more information visit www.acevo.org.uk

**Social
Investment
Business**



“In this call to action, we have called for three major campaigns. First, the call for an increased focus on preventative spending. We are calling this drive ‘Five for the Future’.

“Secondly, we want to see a Community First test applied to the big procurements for our crucial public services – and those services broken up. One size does not fit all. From worklessness to rehabilitation we need specialist programmes for the hardest to reach filtered by locality. And they must be accountable.

“Thirdly, perhaps most ambitiously, we want to give citizens the power to take control of their own lives and feel empowered to change things. So we call for a Public Services Constitution and a strengthened power of super-complaint.

“Too often, reform to the system is never fully achieved. It is lost in warm words, nice ideas and pleasant platitudes. We need to give citizens enforceable rights to good service, via choice and to voice, to dignity of care, to government tackling problems early. The Public Services Constitution would allow this change, by empowering the public to demand services which are working in their best interests. A strengthened power of super-complaint, borrowing an idea from the commercial sector, would help give this constitution teeth, enabling aggrieved groups of citizens to work with an approved organisation where they are systematically harmed by a service to hold the Government to account.”

Rob Owen and Will Hutton

Co-chairs of the ACEVO Commission into
Delivering Better Public Services