

Update to Guidance on the Procurement of Care and Support Services (Best-Practice)

Purpose

1. The purpose of this Scottish Procurement Policy Note (SPPN) is to inform public bodies that the best-practice guidance on the procurement of care and support services in Scotland has been updated.

Key Messages

- Buying care and support services often requires special consideration within a public body's overall approach to the procurement of goods and services. This is because these services can have a significant impact on the quality of life and health of people who use them and their carers. This means that these services are often purchased differently to other services.
- Best-practice guidance was developed in 2010 (the Procurement of Care and Support Services Guidance 2010) in recognition that these services are handled differently.
- The 2016 guidance this SPPN refers to updates and replaces the 2010 guidance mainly to reflect changes to the national procurement rules as a result of 2014 European Union Procurement Directives which have now been transposed into Scottish procurement legislation.

Wider Background

2. The Scottish Government published high-level [statutory guidance](#) for the procurement for health or social services (and which includes care and support services) under the Procurement Reform (Scotland) Act 2014 on 17 March 2016. It principally covers the main legal rules applying to those services. Public bodies must have regard to that statutory guidance when procuring these important services.

3. The best-practice guidance complements the statutory guidance. In doing so, it describes a set of considerations for public bodies to take account of for the procurement of care and support services. In particular, it places the purchasing of those services within a set of principles which acknowledges a balance between human rights, outcomes for the individual, best value and procurement Regulations. Public bodies should also take account of this best-practice guidance, and the key considerations in it, when procuring these important services.

4. This guidance has been developed by the Scottish Government and a Reference Group of stakeholders similar to that which developed the 2010 Guidance. The Scottish Government is publishing this guidance now to help public bodies interpret the new public procurement rules relevant to the procurement of health or social (and including care and support) services, which take effect from 18 April 2016. The Scottish Government will continue to review and consider commonalities between health and social care procurement and the [Procurement Journey](#) (the national online procurement tool) for goods and services.

5. The Scottish Government has taken a two-tiered approach to the development of guidance on the procurement of these types of services. This approach is consistent with the outcome of the Scottish Government's 2015 public consultation ([A Consultation on Changes to the Public Procurement Rules in Scotland](#)). This recognised that that any Statutory Guidance should be flexible enough to accommodate the differing needs of public bodies and suppliers and should also be published as a package and not separately. There were also views in response to the 2015 consultation that the 2010 Guidance was a strong starting point for updating guidance about care and support services to reflect the new

legislation in this important area. As a consequence, in addition to the publication of Statutory Guidance, we have taken the opportunity to update the 2010 Guidance.

Action required

6. All staff involved in the procurement of health or social (including 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 these are consistent with the statutory guidance and also take account of the best-practice guidance.

Links to guidance

- [Guidance on the Procurement of Care and Support Services](#)
- [Guidance on the Procurement of Care and Support Services – Executive Summary](#)

Dissemination

7. 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

8. Enquiries about this SPPN or best-practice guidance, should be addressed to the [Scottish Procurement Mailbox](#).

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