

#SocialCareFuture

Commissioning for a brighter future

March 2026

Introduction

Changing how social care is commissioned is one of the most important shifts needed to make the Social Care Future vision real. If commissioning operates essentially as procurement with a focus on time, tasks and transactions, it will keep getting in the way of people living good lives. Over the past few years, Social Care Future has been working nationally and locally to help move commissioning towards wellbeing, early action and community-based support.

At a national level, much of this work has been shaped through the [Plumbing and Wiring](#) programme. Community sessions and Working Together for Change activity helped identify where commissioning and procurement practices were blocking better outcomes. This led to a national working group involving councils, providers and national bodies. Together, they have developed draft procurement resources, opened conversations with the Care Quality Commission about “what good looks like” for assurance, and contributed to the creation of the [Asset-Based Commissioning Hub](#) with Think Local Act Personal.

This factsheet is an interim product, which we plan to develop further. It highlights some key issues and myths relating to how English local authority carry out commissioning and procurement in social care. It has been compiled by a working group of people with lived experience, people working in the sector at local and national level and people with expertise in procurement law. It is intended to inform policy thinking and to support work by local authorities and their partners to change practice. It summarises what is known about best practice in commissioning and procurement, showing how local authorities can meet the duties under the Care Act 2014 and make use of the flexibilities provided by the Procurement Act 2024. It refers to national standards for commissioning in place in Wales.

You are welcome to send comments and suggestions for how we can improve this factsheet via our [contact page](#).

Theme	Issue or myth	Best practice	Sources and examples
Purpose and principles	<p>The approach should be driven by the overall purpose and legal framework for adult social care set out in the Care Act 2014, as well as equalities and human rights legislation, and the Procurement Act 2014.</p> <p>Commissioning is wider than procurement – it should be mission driven. The role of local authorities should be system stewardship, not just purchasing of services.</p> <p>However, commissioners often put their focus on being transparent in their procurement processes, due to concerns about compliance with procurement law. This misunderstands the principles of public law and the Procurement Act</p> <p>Losing sight of purpose and principles leads to a wasteful and unnecessary procurement</p>	<p>The E3M toolkit for commissioners sets out five fundamental correctives which sum up the change in approach needed.</p> <p>The fundamental principles of public law and procurement law require funding processes that are proportionate, objective, and use professional discretion and reasonableness to create processes whose primary purpose is public benefit.</p> <p>To improve practice:</p> <ul style="list-style-type: none"> • review the overall approach against guides such as the E3M toolkit and the <i>Purposeful Collaboration</i> LGA guide • review financial and contract standing orders to ensure these are consistent with the fundamental principles of public law and procurement law • learn from approaches and standards developed elsewhere, such as Wales, Spain and Australia. 	<p>From Procurement to Partnership: A Practical Toolkit for Commissioners (E3M):</p> <p>Commissioning shapes local ecosystems (Corrective 1)</p> <p>Purpose must drive process (Corrective 2)</p> <p>Vitalising Purpose (E3M)</p> <p>The Art of the Possible in Public Procurement (E3M)</p> <p>Purposeful collaboration: a practical guide to using the Procurement</p>

	<p>processes, with too little attention to coproduction, collaboration and market-shaping.</p>		<p>Act 2023 (NCVO/LGA)</p> <p>National framework for commissioning care and support: code of practice (Welsh Government) Standard 1: Embed the values and principles of the Act into all commissioning activities.</p>
<p>Coproduction and collaboration</p>	<p>Insufficient collaboration and coproduction can result a failure to make use of the expertise of citizens, the VCFSE and providers when designing solutions.</p> <p>This can be due to concerns about being seen to favour particular organisations.</p>	<p>Commissioning based on strong relationships with long term sustainability and quality is in line with the Procurement Act 2023.</p> <p>To improve practice:</p> <ul style="list-style-type: none"> invest time in collaborative commissioning and market development, treating citizens, the VCFSE and providers as partners and experts. consider approaches such as innovation partnerships and alliance contracting - a collaborative approach bringing commissioners into shared governance and delivery collaborations with VCFSE organisations and other partners. 	<p>Partnership should replace transaction (Corrective 5)</p> <p>Purposeful collaboration: a practical guide to using the Procurement Act 2023 (NCVO/LGA)</p> <p>National framework for commissioning care and support: code of practice (Welsh Government) Standard 1: Embed the values and principles of the Act into all</p>

			<p>commissioning activities</p> <p>Alliance contracting (Ideas Alliance)</p> <p>Evaluation of Leicestershire Children's Innovation Partnership (2020)</p>
<p>Quality, safety and value for money</p>	<p>There is often a narrow focus on price, rather than quality and value for money.</p> <p>Specifying hourly payment rates in contracts constrains flexibility.</p> <p>This also fails to take account of social value, where providers contribute to the fabric of a local community.</p>	<p>Focusing on quality and experience can lead to savings that can be re-invested.</p> <p>Not for profit VCSFE providers contribute to the local economy, by recycling money spent with them.</p> <p>To improve practice:</p> <ul style="list-style-type: none"> • Focus on how to get the best outcomes for the available budget and avoid specifying how to meet needs by time and task. • Avoid basing contracts on measures of price such as hourly rates; instead set an overall budget for a service or for an individual. • Consider social value and the contribution not for profit VCSFE providers make to local economy. 	<p>The Procurement Act 2023 sets objectives to deliver value for money, maximise public benefit, share information and act with integrity.</p> <p>E3M Social value: intrinsic, not additional (corrective 3)</p> <p>E3M The Public Benefit sector should be central, not peripheral (Corrective 4)</p> <p>Examples are available from More than a</p>

			provider and Social Care Future National framework for commissioning care and support: code of practice (Welsh Government) Standard 3: Using data to deliver outcomes. Standard 5: Measuring value.
Equalities and human rights Supporting ethical and fair work practices	Commissioning and procurement that does not pay regard to equalities and human rights risks worsening outcomes for creates potential for exploitation of the workforce. Current practice is inconsistent and, in some cases, does not enable providers to comply with current employment legislation. Practice will need to change significantly to enable compliance with the Employment Rights Bill.	To improve practice: <ul style="list-style-type: none"> • work proactively to address inequalities and promotion and fulfilment of human rights. • consider developing national standards for commissioning (as in Wales). • consider the development of standard contracts (as in the NHS). 	Public sector equality duty under the Equality Act 2010 Commissioning of Care and Support in Wales: Code of practice: Standard 6: Supporting ethical and fair work practices. Standard 10: Equalities and human rights.
Grant-making	Contracts are often used as the default approach to	Services provided by the VCSFE are mainly outside commercial markets and the scope of the Subsidy Control Act 2022.	Purposeful collaboration: a practical guide to

	<p>procurement when grants would be more appropriate.</p> <p>This can be based on incorrect assumptions, for example that contracts are required by law, or provide more accountability than grants.</p>	<p>To improve practice:</p> <ul style="list-style-type: none"> • use grants as the default approach for services provided by the VCFSE that are not provided to meet a statutory duty. 	<p>using the Procurement Act 2023</p> <p>National framework for commissioning care and support: code of practice (Welsh Government) Standard 4: Selecting services.</p>
<p>Competition</p>	<p>Frequently, services are procured by competitive bidding for contracts against pre-determined specifications. This is onerous and gets in the way of collaboration and innovation.</p> <p>Fears of legal challenge can lead to unnecessary use of competitive tendering when other procurement options could get better value.</p> <p>Tenders often over-specify the service or support required, limiting creativity and innovation. Commissioners seek to describe exactly what they want to ensure fairness, rather than describe the outcomes.</p>	<p>Procurement law is based on three principles: proportionality, equality of treatment, and transparency. The Procurement Act 2023 sets objectives to deliver value for money, maximise public benefit, share information and act with integrity. The Act provides a light touch regime with flexibilities and exemptions relevant in social care.</p> <p>There is no requirement for local authorities to issue competitive tenders for most social care contracts.</p> <p>To improve practice:</p> <ul style="list-style-type: none"> • move to developmental, co-designed approaches via grant-making, and alliance contracting • make full use of the light touch regime and flexibilities for low value contracts. • make routine the use of direct awards, where only one suitable potential provider exists. 	<p>Developing Shared Lives for people with a learning disability (LGA, 2025)</p> <p>National framework for commissioning care and support: code of practice (Welsh Government) Standard 4: Selecting services.</p>

	<p>Outcomes-based commissioning is seen as too difficult or too vague.</p> <p>A lack of experience and confidence leads commissioners to avoid direct commissioning even if there is a clear case for it. This is wasteful of public resources.</p>		
Contract duration	<p>Contracts are issued for short periods based on a commissioning cycle, which aligns with political and electoral cycles.</p> <p>Short contracts make it difficult to invest in growth, innovation and long-term solutions. This results in an imbalance in power and trust.</p>	<p>Commissioning needs to move to being about enabling and supporting providers (relational / partnership commissioning).</p> <p>To improve practice:</p> <ul style="list-style-type: none"> • work with providers and people with lived experience to explore how long it would take for an organisation to develop a new way of working. • agree long term contracts which support development and innovation. 	<p>Cornwall Shared Lives contract with Shared Lives Southwest is 5 years with 2-year extension option.</p>
Size of provider	<p>Financial pressures have resulted in services being commissioned from fewer, larger providers, based on an assumption that this reduces costs and provides economy of scale.</p> <p>Mechanisms such as framework contracts can exclude smaller,</p>	<p>There is a strong evidence base that shows smaller organisations can deliver better quality and reduce reliance on health and social care.</p> <p>To improve practice:</p> <ul style="list-style-type: none"> • remove barriers to small and medium providers, and social enterprises. • make use of the ‘smaller’ models of care, such as Shared Lives, local area coordination and Small Supports. 	<p>Earlier action and support: The case for prevention in adult social care and beyond (LGA, 2024) shows cost savings for person-centred models of care, such as local area coordination.</p>

	innovative providers and have been shown to result in higher costs.		Ethical care: A bold reform agenda for adult social care (IPPR 2019) CQC data shows that smaller providers provide higher quality care and support. Better outcomes for less (Shared Lives Plus, 2024)
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