

# **Hampshire Local Area Agreement and One Compact for Hampshire**

## **Draft Code of Good Practice for Commissioning, Procurement and Provision**

**Consultation document: 9 July 2007**

**Closing date for comment: 1 October 2007**

### **Executive summary**

The terms commissioning, procurement and contracting are often used interchangeably. This leads to confusion and poor understanding.

Commissioning and procurement is defined, for the purposes of this code, as the process of acquiring goods and services. This process spans the whole cycle from the strategic identification of needs, through to service specification, tenders and contracts, and review. The purchasing (or buying) of goods or services is part of that process.

Recent government guidance and work by the Office of the Third Sector, based in the Cabinet Office, indicates that commissioning and procurement with the third sector should include:

- identifying and understanding existing need, as well as anticipating future need
- understanding the preferences and priorities of service users
- understanding what resources and provision are already available
- identifying gaps in provision
- capacity building to meet future needs
- agreeing priorities for action and service specifications
- ongoing dialogue with providers and Third Sector organisations representing service users and/or communities
- joint monitoring and review

This code aims to change behaviour so that these principles become part of the culture of the way the public and third sectors work together in Hampshire. The document sets out the context for this code and proposes a good practice checklist in Appendix 2 which seeks to show what it means to implement the above principles.

This code will be an important document in contributing to a step change in how commissioning and procurement engages Third Sector organisations here in Hampshire. It would require sign-up from all the Hampshire LAA public sector partners. We need feedback and comments from all parties to ensure we get it right.

**Please use the feedback form at the end of the document to send us your comments by 1 October 2007.**

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**Draft – July 2007**

## **Hampshire Local Area Agreement and One Compact for Hampshire**

### **Code of Good Practice for Commissioning, Procurement and Provision**

#### **1. Introduction**

1.1 This code of practice supports the delivery of the Hampshire Local Area Agreement (LAA) outcome “Empower local people to have a greater voice and influence over decision making and the delivery of services”. It will apply to all public sector partners of the Hampshire LAA and the Third Sector. The code is also a supporting document to the One Compact for Hampshire, a framework for the working relationship between Hampshire County Council and the Third Sector. Fundamentally the code aims to:

- have a positive effect on the relationship between public sector partners and Third Sector partners
- and to have a positive impact towards improved services

1.2 The code is intended to mark a step change in how commissioning and procurement engages Third Sector partners within good practice and legislative requirements. It focuses on:

- analysing need and agreeing service priorities
- planning services and contract specifications
- tendering and contracting
- reviewing services

#### **2. Context**

2.1 There is an increasing recognition and desire for the Third Sector to become more engaged and involved with the commissioning and procurement process, highlighting the potential role of the Third Sector to deliver public services under contract. Furthermore it is government policy to encourage more participation by the Third Sector in the provision of high quality services. The sector can bring more competition to the market place and can offer better value for money through:

- Specialist knowledge and experience
- Innovation
- Flexibility and responsiveness to change
- Access to communities and specific client groups
- Ability to lever in funding not available to the public sector

- 2.2 The recurring emphasis on the potential for increased public service delivery by the Third Sector is demonstrated through government policy, strategy and good practice advice. Examples include:
- 'Think smart, think voluntary sector' – Good Practice Guidance on the Procurement of Services from the Voluntary and Community Sector (2004)
  - **Error! Hyperlink reference not valid.** (2003)
  - 'Change Up' - Capacity Building and Infrastructure Framework for the Voluntary and Community Sector (2004)
  - PCT Fitness for Purpose Programme (2006)
  - 'Procuring the Future' – The Sustainable Procurement Task Force National Action Plan (2005)
  - Local Government White Paper, *Strong and Prosperous Communities* (2006)
  - Partnership in Public Services: an action plan for third sector involvement (2006)
- 2.3 This strategic framework also highlights that there is a need for a more positive approach to commissioning and procurement at the local level.

### 3. Grants

- 3.1 It is also important to acknowledge that grants are a vital part of the funding mix, alongside contracts, particularly in relation to:
- piloting innovative or alternative service delivery models
  - helping to develop potential providers
  - building capacity to adapt or extend service delivery
  - supporting groups, especially smaller community groups, who do not want to get involved in service delivery under contract, but who nevertheless contribute hugely to active communities, social cohesion and community identity, who advocate for the needs of their members, and who have first hand knowledge of their areas.
- 3.2 Grants are an important part of the 'giving' relationship, allowing public bodies to support a project, service or organisation. This investment or donation contributes towards:
- improving quality of life
  - supporting the ethos of active citizens and volunteering
  - responding to need in a locally sensitive way
  - and can also play a part in helping achieve the performance targets of the public body
- 3.3 By having a mixed economy, that includes grants, there is greater diversity and acknowledgement of differing models for delivering services that meet local needs. Grants are covered by the One

Compact Funding Code between the County Council and the Third Sector, and other Funding Codes of Good Practice that have been developed with individual district/borough councils.

#### 4. Aims

4.1 This code sets out to:

- Highlight the value of engaging and involving the Third Sector in the commissioning and procurement process
- Evidence the barriers that the Third Sector may experience and how these can be lessened
- Support public sector partners in achieving the aims of value for money, accountability for public funds
- Empower local communities to have the opportunity to have a voice in the development of services that meet local needs
- Influence good practice, behaviour, understanding and awareness
- Establish action that supports the implementation, monitoring and evaluation of the codes impact

#### 5. What is Commissioning and Procurement?

5.1 There are varying and separate definitions for both commissioning and procurement. For simplicity and clarity, and for the aims of this code, commissioning and procurement will be defined as the process of acquiring goods and services. It spans the whole cycle from strategic identification of needs, through to the end of a contract and review. The purchasing (or buying) goods or services is part of that process. Effective commissioning and procurement aims to improve services that meet local needs. In summary, this involves four stages: analyse, plan, do and review.

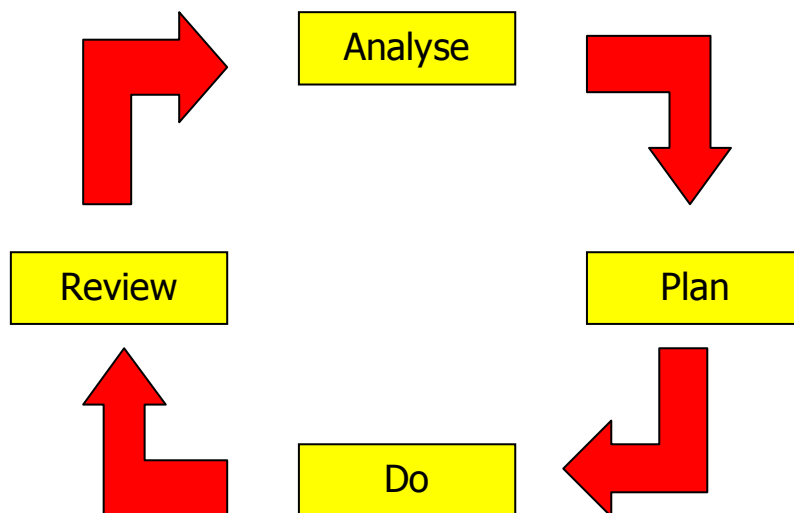


Table 1 provides a summary of the key activities that may occur within these four areas.

**Table 1.**

<b>Stage</b>	<b>Activity</b>
<b>Analyse</b>	<ul style="list-style-type: none"> <li>• Initial needs assessment</li> <li>• Strategic analysis based on forecasting need and supply, whilst taking into account national requirements and linking to local circumstances</li> <li>• Seeking stakeholder views</li> <li>• Mapping resources and identifying gaps</li> <li>• Analysing information</li> <li>• Identifying risks</li> </ul>
<b>Plan</b>	<ul style="list-style-type: none"> <li>• Defining a vision</li> <li>• Agreeing priorities and outcomes</li> <li>• Initial service design specification incorporating stakeholder views</li> <li>• Risk and contingency plans</li> <li>• Being imaginative about how services can be delivered to support diversity, stimulate the market and opportunities for capacity building to potential providers</li> <li>• Identifying providers or developing new services if needed</li> </ul>
<b>Do</b>	<ul style="list-style-type: none"> <li>• Negotiate and finalise service specification</li> <li>• Agree delivery model</li> <li>• Pre qualification</li> <li>• Tender advertising and Invitations to Tender</li> <li>• Evaluation</li> <li>• Negotiation</li> <li>• Contract award</li> <li>• Service Delivery</li> </ul>
<b>Review</b>	<ul style="list-style-type: none"> <li>• Monitoring of service delivery</li> <li>• Contract and performance management</li> <li>• Service feedback and improvement that identifies outcomes performance and any changing needs</li> <li>• Evaluation of outcomes and outputs</li> <li>• Assess the continuing need for a service</li> <li>• Review existing contracts</li> </ul>

## 6. Barriers to the Third Sector

6.1 Examples of the barriers that the Third Sector perceives include:

- Lack of recognition of Third Sector capabilities and specialist expertise
- Difficult for the Third Sector to find out about contract opportunities
- Trend towards large scale, national or regional frameworks that may limit access by the Third Sector
- Insufficient warning/time to respond to tenders or expressions of interest
- Expense of complex pre qualification and bidding procedures
- Lack of understanding of EC procurement regulations
- Contract terms, eg risk apportionment, liability and indemnity, payment terms
- Perception of complexity of commissioning and procurement

(Source: Think Smart... Think Voluntary Sector – Good Practice and Guidance on Procurement of Services from the Voluntary and Community Sector, Home Office, 2004)

6.2 This code sets out to acknowledge these barriers and set out good practice for how they can be removed or minimised. The Code sets out 'Good Practice', as shown in Appendix 2, in all four stages of the process.

## 7. Expectations of Public and Third Sector partners

What do partners expect to flow from improved commissioning and procurement processes?

**Table 2.**

<b>What Public Sector partners can expect</b>	<b>Shared expectations</b>	<b>What the Third Sector can expect</b>
<ul style="list-style-type: none"> <li>• User involvement</li> <li>• Community engagement</li> <li>• Quality</li> <li>• Accountability</li> <li>• Reliability</li> <li>• Best Value</li> <li>• Effective management and employment systems</li> <li>• Engagement in contracts that reflect capacity to deliver services and outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Better outcomes for communities and individual service users</li> <li>• Commitment to the local community and local economy</li> <li>• Trust</li> <li>• Clarity and transparency</li> <li>• Honesty</li> <li>• Continuous communication at strategic and operational levels</li> </ul>	<ul style="list-style-type: none"> <li>• Commitment to providing opportunities to local organisations</li> <li>• Acknowledgement of the Third Sector contribution</li> <li>• Recognition of expertise</li> <li>• Early involvement in needs analysis and priority setting</li> <li>• Stability and structure</li> <li>• Prompt payment</li> <li>• Consistency</li> </ul>

<b>What Public Sector partners can expect</b>	<b>Shared expectations</b>	<b>What the Third Sector can expect</b>
<ul style="list-style-type: none"> <li>• Clarity about who/what is being represented</li> <li>• Recognition of public sector support</li> <li>• Community engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Joint problem solving</li> <li>• Respect for issues of confidentiality</li> <li>• Flexibility and responsiveness</li> <li>• Equalities</li> <li>• Knowledge exchange</li> <li>• Compact compliance</li> <li>• Plain English</li> </ul>	<ul style="list-style-type: none"> <li>• Fair access to funding</li> <li>• Full cost recovery</li> <li>• Respect for independence and the right to campaign</li> <li>• Feedback</li> <li>• Recognition of partnership</li> </ul>

(Adapted from IDeA research and 3rd Sector Consultation, Tower Hamlets Third Sector Commissioning Code)

## **8. Monitoring and Evaluation**

8.1 The monitoring and evaluation of the code will build on an initial collation of baseline data on the four stages of good practice. This will principally need to be collected by public sector partners, who will also need to take a proactive approach to monitoring the impact of their commissioning and procurement teams. Future data and information collection will then need to test whether there has been a change. This will be gathered through surveys of Third Sector and public sector organisations and will include:

- a) Periodical survey of the level of involvement and experience of the Third Sector in the commissioning and procurement process, both as contracted providers and as participants in the wider commissioning process. It will also take account of any 'complaints' claiming that this code has been breached.
- b) The number of Third Sector organisations delivering public services commissioned by public sector partners, the value of those contracts, and the percentage of spend by public sector partners with the Third Sector
- c) The availability of grants to pilot innovative or alternative service delivery models; help develop potential providers; build capacity to adapt or extend service delivery role

## **9. Conclusion**

9.1 The Code of Good Practice for Commissioning, Procurement and Provision sets out a series of aims for all partners in the pursuit of strengthening relationships, improving services and meeting the needs of local people and communities. The code offers the potential for a significant step change in how commissioning and procurement can become more effective in engaging the Third Sector, acknowledging

possible barriers and overcoming them through positive and innovative approaches. It also offers the opportunity to strengthen the capacity of the Third Sector in delivering public services. Public Service partners are supported towards greater user involvement and strengthening their commissioning and procurement processes towards greater public service delivery by the Third Sector.

- 9.2 Critically, the code provides the opportunity for the empowerment of local people in having a greater voice and influence over decision making and the delivery of services.

## Appendix 1 - Joint Good Practice in Commissioning and Procurement

### Analysis

- All partners develop an understanding of the different contributions of the Third Sector to community engagement and public services - as campaigners, carers, innovators, contractors and advocates & representatives on behalf of individuals, communities, and client groups.
- Public sector partners will involve the Third Sector in the earliest stages of analysis of need, policy development, service planning & design, and review.
- e.VOLve, the recently established database of voluntary and community organisations across Hampshire and IOW, provides a one-stop tool – see [www.e.volve.org.uk](http://www.e.volve.org.uk) - to map resources and provision, identify consultation partners, and develop an appreciation of the level of Third Sector activities, services and contribution to communities. It will eliminate the need for duplication of effort.
- Third Sector organisations understand that e.VOLve is a tool available to public sector partners, and it is beneficial for them to ensure they are on the database and that their entry is kept updated.
- Public sector partners will pay due attention to the knowledge and views of individuals, communities and the Third Sector about the effectiveness of existing service models and delivery, and, equally important, their knowledge of unmet need, so that this feeds into the strategic analysis and future market stimulation.
- Consultation should take a variety of formats, and Third Sector organisations can be used to conduct focus groups, research, participatory consultation, etc.
- Public sector partners will understand the profile of their suppliers and their total spend with the Third Sector so that they can develop an economy of mixed provision and build capacity in the market.
- Third Sector organisations will be clear about whom they represent and how they came to their views when consulted on analysis of need and programme design and review. When representing the sector, they will have a clear mandate and ensure two-way communication.
- Commissioners will be clear about whether a Third Sector representative is representing an individual organisation, specific community (geographical or interest), the sector, or because of specialist knowledge
- The Third Sector and public sector partners will keep themselves informed about the priorities of service users.

## Plan

- All parties will work together to plan services based on the desired outcomes.
- Public sector bodies will publish commissioning plans as far in advance as possible that give short term spending priorities, and set out a proposed direction of travel and future medium and long term purchasing intentions, highlighting opportunities for joint commissioning and working, so that providers, existing and prospective, can plan ahead.
- Public sector bodies will plan any necessary market stimulation/capacity building to meet identified and predicted need working with individual providers and Third Sector infrastructure support. If necessary, interested organisations will be helped to build capacity in order to get involved in contracting, eg through training on health and safety requirements, joint development of workforce skills, etc
- There should be recognition that models of service provision may deliver outcomes/benefits to agencies other than the commissioning agency (eg recycling or printing services that employ people with mental health problems).
- Commissioners should make it explicit that they aim for a mixed economy of provision that contributes to environmental, social and well-being.
- Decisions on service specifications must be open and transparent, based on agreement that these will deliver the desired outcomes.
- Service specifications will be based on a 'life cycle' analysis to deliver sustainable procurement and best value for money over the long term.
- Programme design should identify possible barriers to Third Sector involvement and which aspects of a programme would benefit most from such involvement.
- Commissioners will involve potential suppliers early on in tender and contract preparation.
- All parties understand that working in partnership to analyse need and plan services will not stand in the way of organisations tendering for contracts, nor will it mean that they will necessarily be contracted to provide a service.
- Third Sector organisations will give consideration to joint working and consortia tendering, and plan accordingly, to address economies of scale and bid for larger contracts where appropriate.
- Third Sector organisations understand that they must meet diversity and

## Plan

anti-discriminatory requirements that transfer from public sector partners to contracted providers. They will ensure they are 'fit for purpose' before submitting tenders.

- There should be a separation of the analysing/planning function and the purchasing function.

## Do

- Contracts will focus on outcomes and the outputs that help deliver those.
- Contracts will be based on best value for money and affordability, not the lowest price; explain how VFM (value for money) is worked out, otherwise feedback that '*you were too expensive*' reinforces the perception that the cheapest price wins.
- Public sector partners will run open days/meet the buyer events: explain and publicise tender/criteria scoring procedures, pre-qualification requirements and ensure these are proportionate. They will use the Third Sector infrastructure to advertise such events.
- Pre-qualification questionnaires are to be accessible and user-friendly. LAA partners will work towards a shared standard PQQ, so that information only has to be collected once. (*In the spirit of the principle of Philip Hampton that businesses should not submit information to government more than once*)
- Make it easy for new suppliers to join the providers/supplier list. Do not create barriers such as requiring voluntary organisations/ social enterprises to pay to be on a provider/supplier database.
- There will be early notification of calls for expressions of interest and tendering opportunities.
- Use plain English and be aware that acronyms and jargon can exclude newcomers to the market.
- Advertise tendering opportunities using the Third Sector infrastructure.
- Third Sector organisations will work to recognised quality standards, and public sector partners will respect these.
- Third Sector organisations will work to proper financial procedures.
- Purchasers will require the same levels of information from private, public and Third Sector organisations in any competitive tendering process. They

## **Do**

should not seek more detailed information of costs from the Third Sector than they would from the private sector. Ensure that the information required is proportionate to the size of contract.

- Processes should be proportionate to the contract scope. For example do not ask for several years' trading history or accounts, if the size of contract does not warrant it, as you may exclude newer organisations from getting involved.
- However, purchasers do need to be assured that bidders have a sustainable and realistic understanding of their cost structures and may need to consult with the potential supplier if a bid seems abnormally high or low.
- Third Sector organisations will understand their costs and assess the capacity of their organisation to deliver to contract.
- In-house public sector services will understand their true costs and be open and transparent.
- There will be a comparison of costs between public sector in-house and Third Sector provision on a like-for-like basis, including all on-costs.
- Be alert as to how service specifications assign risk. Decisions on where risk best lies should not be made without appropriate negotiation and agreement.
- Take account of environmental, social and economic well-being spin-offs as part of sustainable procurement strategies. These benefits should relate to the contract and add value to other key strategies and targets, eg the Sustainable Community Strategy. Ensure that the tender invites respondents to address such benefits.
- The purchaser will nominate a named contact for each contract from tendering to completion.
- There should be a minimum of three years for length of contract.
- Contract terms should be mutually agreed.
- There will be timely notification of the need to change services with appropriate consultation within the principles of the Compact.
- Once changes have been agreed, allow realistic timescales for the implementation of such changes in the contract requirement.
- Joint purchasers to nominate a lead body to engage with service provider.
- Third Sector organisations will determine clear lines of accountability when preparing or delivering joint bids/contracts. They will nominate a lead

## **Do**

body.

- Issue contracts before the work starts, and ensure prompt payment in accordance with the agreed payment schedule.
- In order to diversify the supplier base:
  - ❖ allow subcontracting and encourage partnership working.
  - ❖ think about how larger contracts could be split to enable smaller and medium sized providers to bid.
  - ❖ encourage private sector contractors to advertise opportunities for subcontracting and partnership work through the appropriate channels.
- Purchasers will provide de-briefings for unsuccessful tenders.

## **Review**

- The review process will be used to monitor and evaluate the effectiveness of services, and the changing pattern of need.
- All parties understand that review and subsequent analysis of services may result in de-commissioning as well as re-commissioning.
- The de-commissioning process should lead to discussions about what new services need to be put in place, so that providers can identify and plan for new opportunities.
- Evaluation will focus on outcomes and the outputs that result from those. Targets and indicators of achieving the desired outcomes will be mutually agreed.
- Feedback from service users, both individuals and communities, will be used to challenge and scrutinise service provision, and lessons learned will inform the commissioning process; there should be transparency about how feedback has influenced the way services are re-commissioned or de-commissioned.
- There will be individual and collective dialogue with Third Sector organisations, both providers and advocates for particular clients groups, on the outcomes of contracts. Third Sector organisations, where they are not involved in the delivery of a contract, may also be able to provide an informed assessment of the quality of services provided, challenging and scrutinising effective use of resources.
- In the case of more universal services, eg transport, libraries, leisure facilities or housing, the Third Sector may facilitate community engagement in a review of service standards and expectations.

## **Review**

- In their independent role the Third Sector may propose topics/issues/services for review by the Overview and Scrutiny Committees (OSC) within local authorities.
- Best Value review/efficiency review teams should include Third Sector representation.

## Appendix 2

### Glossary of Terms

**Added value:** the extra benefits that result from the provision of a service by a third sector organisation, which exceed the specification of the contract

**Capacity build:** develop and grow the capacity and capability of an organisation or community, and within the context of this Code, specifically in relation to provide public services or contribute to the commissioning and procurement process, and to meet predicted need.

**Commissioning and procurement:** this is the process of acquiring goods and services. It spans the whole cycle from strategic identification of needs through to the end of a contract and review. The purchasing (or buying) of goods or services is part of that process.

**De-commissioning:** the process of planning and managing a reduction or end in service activity.

**Equalities:** Equalities and diversity means there is no discrimination or unfair treatment against a group or individual because of their ethnicity, sexual orientation, disability, gender, age, religion, or because they are from hard-to-reach communities including economic migrants, gypsies and travellers. Within the context of this code, it means that all such groups will have a voice and be able to take part in the commissioning and procurement process.

**Evaluation:** the assessment of the outcomes that a project or service has achieved.

**Frameworks:** frameworks are agreements to provide goods, works or services on specified terms.

**Full cost recovery:** covering all the costs of providing a service or product

**Local Area Agreement (LAA):** the aim of an LAA is to bring together local partners to identify priorities for action, and deliver improved services and better outcomes, and there is the flexibility for public sector bodies to pool resources. The LAA has to be approved by central government. Within Hampshire the County Council is the accountable body for the LAA.

**Invitation to tender (ITT):** a formal announcement from a public sector body inviting providers to submit a tender

**'Life cycle':** a 'life cycle' analysis will take into account sustainability and best value for money over the long term, and determine whether a cheaper option now will eventually cost more money in the long term.

**Outcomes:** are the changes and effects that happen as a result of a service

**Outputs:** outputs are the activities or services provided - eg number of lunches delivered, number of people trained – that contribute to achievement of the outcome

**Preferred provider:** an approved provider of services

**Pre-Qualification Questionnaire (PQQ):** a questionnaire used to check the suitability of providers, and to shortlist the ones who will be invited to submit a full tender. The PQQ will seek information about the organisation and senior management/trustees, finances, insurance, quality systems, references, CRB checks, risk management, and organisational policies such as health & safety and equal opportunities.

**Provision:** the point at which the service provider has entered into a contract and commences to deliver the agreed services or goods. This also relates to the point from when the service is subject to monitoring, evaluation and eventual review.

**Specification:** a description of the specific requirements for goods or services to be delivered under a contract, including the method for checking that the requirements have been met.

**Sustainable Community Strategy:** a Sustainable Community Strategy creates a long-term, sustainable vision in an area and sets the agenda for priorities in the Local Area Agreement

**Sustainable procurement:** it is widely recognised that the public sector has a key role in furthering sustainable development through its procurement of buildings, goods and services. Sustainable procurement takes into account social and environmental issues as well as economic factors. It also assesses the sustainability of providers/suppliers, eg their policies in relation to waste, energy consumption, recycling, local employment, local suppliers. Sustainable also means capable of being maintained into the future, eg sustainable funding.

**Tender:** where a provider submits a proposal for the provision of a service, in response to an approach or an advertisement by a funder

**Third Sector:** non profit distributing voluntary, community and charitable organisations, and social enterprises (community interest companies)

### **Appendix3 - Support to the Public and Third Sectors**

For completion

(resources, useful websites – to include what the Third Sector can do – and what Public Sector partners can do)

### **Appendix 4 - Access to Commissioning and Procurement opportunities**

For completion

(Need details from partners – corporate websites / where tenders are advertised, forward procurement plans)

### **Appendix 5 – Public Sector summary details on quotations and tender amounts**

For completion

(ie up to £5K, £5k - £49,999 etc. – summary details on thresholds, procedures )

**Hampshire Local Area Agreement and  
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**Draft Code of Good Practice for  
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**Feedback form**

**1. Do you find the definition of 'commissioning and procurement' useful?**

Yes [  ] No [  ]

**2. Is the document generally easy to follow?**

Yes [  ] No [  ]

**If not, what would make it better?**

**3. Do you think the code is about the right length or too long?**

**If you think it is too long, what do you think could be left out?**

**3. Do you think the code provides a good basis to start the process of changing behaviour?**

Yes [  ] No [  ]

**4. Is it helpful to set the commissioning and procurement into four stages – analyse, plan, do and review?**

Yes [  ] No [  ]

**5. Do sections 1-9 give a good, general overview?**

Yes [  ] No [  ]

**Other comment**

**6. In Appendix 1, do you agree with the points listed under the four different stages?**

**a) Analyse**

Yes [  ] No [  ]

Additional comment:

**b) Plan**

Yes [  ] No [  ]

Additional comment:

**c) Do**

Yes [  ] No [  ]

Additional comment:

**d) Review**

Yes [  ] No [  ]

Additional comment

**7. We have listed good practice for both sectors under each other of the four stages, instead of separating them between the Public Sector and Third Sector. Do you agree that it is best to focus on what should happen at each stage of the process, rather than deal with each sector separately?**

Yes [  ] No [  ]

**If not, what would you suggest?**

**8. Is there anything else that could usefully be included in the glossary?**

**9. Who should have responsibility for dealing with disputes in relation to the code?**

**10. Do you have any suggestions for how implementation of the code might be monitored?**

**11. Please use this space to note any other comment you would like to make**

Thank you for responding to this consultation. Please send this form by 1 October 2007 to:

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