

Corporate Strategic Commissioning Framework

How Sefton Council will do business and make the most of the Sefton £



Let's make a real difference by not being afraid to try new ways of doing things, because if we continue to do what we have always done, we will always get what we have always got.

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Introduction

This framework sets out how we will deliver a council-wide approach to commissioning. It is envisaged that to develop this approach it will be necessary to adopt a single overarching model for how the council commissions that focuses on outcomes in partnership with our citizens. The model should also ensure that commissioning for internal services to support front line delivery provides excellent value for money. Crucially in evaluating services as part of this approach, the emphasis will be on seeing things as much from a citizen or user perspective as a professional one. This framework will help officers, whether they are commissioners or stakeholders involved in commissioning activity, to apply the council-wide approach, to be able to demonstrate best practice and obtain best value.

We think that the time is right to introduce a Corporate Strategic Commissioning Framework to make our ambition to become a Commissioning Council a reality. We have faced some real challenges with significant reductions in our budgets, coupled with expectations from our residents that they continue to receive quality services. We also know that demands for services, especially for older people, will significantly increase.

Commissioning will give us the tools to prioritise those needs and work with our residents and partners to make the right decisions on how best to meet them. We want to redefine our relationship with communities as it makes sense to deliver services with rather than to users.

This framework will be supplemented by a commissioning toolkit which will be the 'how to' guide to implementing our approach to commissioning and we expect that commissioning strategies for service areas or themes will be produced guided by this strategic framework.

Recent Government publications, including the Open Public Services White Paper, Health and Social Care Bill, Localism Bill (including the Community Right to Challenge) and the Education Bill, all highlight a direction of travel towards a commissioning approach. There will be an expectation that Local Authorities will have in place robust commissioning processes that are based on evidence of need and are adequately planned and managed.

The Commissioning Framework provides information for commissioners and organisations to ensure that there is a shared understanding of what we mean by commissioning and the various stages of the process. It aims to demonstrate the standards that should be applied to ensure openness, transparency and value for money at all times in accordance with Best Value guidance.

The Framework applies to all commissioning - whether of services provided by the VCF sector, the private sector or internally. The basic principle is that services should be delivered by organisations that are best able to demonstrate that they meet the criteria and offer the best option to deliver that service. Commissioning is not about outsourcing and it is not the same as procurement; it's about

deciding who is best placed to deliver services based on people's needs and ensuring that those services meet those needs.

Commissioners should adhere to the framework unless there is a good reason not to (for example legislative or specific funding guidelines), and be able to use it to provide a rationale for their decisions.

The Public Sector is facing a period of unprecedented long term cumulative budget reductions. This framework outlines our approach to commissioning in a period of austerity – having made budget cuts of £64 million over the last two years and facing further cuts of £50 million over the next two years.

We believe that strategic commissioning is the best model for sustaining and delivering the highest quality services to our residents with the resources at our disposal without compromising future service delivery.

This framework will be subject to continuous review.

Commissioning Principles

These commissioning principles should convey clarity, transparency and quality, and provide the basis on which dialogue and constructive challenge will take place between commissioners and providers within Sefton.

The principles will be used consistently throughout the Council and underpin all parts of the commissioning cycle. For example, they will be used when we are assessing options as part of the Plan stage.

They are an important part of the thinking alongside the vision and outcomes, and show the way that we expect the system to work and where we should look for efficiencies

We will ensure that:

1. All commissioning starts with an understanding of the needs of the community and be outcome, rather than output, focused.
2. Cost, value and social value is considered, and a longer term view of our communities will be taken which looks beyond their immediate circumstances.
3. Members, residents and service users will be engaged with, and involved, in the commissioning process and the design of services.
4. We work in partnership with others taking joint responsibility for outcomes as this is crucial for delivering open and transparent partnerships concerned with shared values and goals, not individual organisational matters.
5. We remain open minded about delivery models and we will increase provider diversity to ensure that the local market is able to respond to diverse and changing needs over time.
6. We work in partnership with the voluntary, community and faith sector and ensure that their role is fully harnessed so that people have the right skills, knowledge and understanding to undertake the work.
7. These principles are reviewed on an annual basis in partnership with our residents, providers and partners.
8. All commissioning processes and decisions will be transparent, fair and equitable, and open to challenge
9. A best value approach will be taken with all decision making

In addition to these principles commissioners are expected to adhere to the Principles of Public Life set out by the Committee for Public Life and known as the Nolan Principles.

The Nolan Principles of Public Life

1. **Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2. **Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
3. **Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
4. **Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness** – Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership** – Holders of public office should promote and support these principles by leadership and example.

Sefton's Vision and Priorities

Sefton's vision and priorities shape the Corporate Plan and Medium Term Financial Plan. They form the basis of the Council's strategic approach to commissioning and all commissioning outcomes must demonstrate how they contribute to our overall vision and priorities.

Vision: Together we are Sefton – A great place to be!

We will work as one Sefton for the benefit of local people, businesses and visitors

Our Strategic Priorities are:

- Together develop healthy and well supported communities
- Together develop access to opportunities for all
- Together develop attractive and sustainable places to be
- Together develop sustainable communities

Governance with regard to commissioning will be in accordance with Sefton Councils constitution.

Commissioning, Procurement & the Commissioning Model

What is Procurement?

Though procurement can be part of the commissioning process, and part of the commissioner's toolkit, it should not be confused with commissioning. When a public body such as Sefton Council identifies a need for a service, or for the supply of goods, it will invite organisations to tender. Organisations are asked to explain how they will supply what is needed; the council will then select a supplier and monitor and work with the supplier until the end of the contract. This is known as public sector procurement.

Procurement includes all activities involved in the process of buying goods, services or works on behalf of residents. Good procurement is crucial to providing high quality public services and ensuring that money is well spent.

Procurement Law - Public Sector procurement activity is governed by European Procurement Directives where certain types of goods and services require specified tender procedures and time limits which are prescribed by law.

Procurement and commissioning processes in England, Wales and Northern Ireland are governed by the Public Contracts Regulations (2006) as amended.

<http://www.legislation.gov.uk/ukxi/2006/5/contents/made> These regulations bring into UK law the EU Consolidated Procurement Directive 2004/18/EC.

The following key principles of the EU procurement regime apply to all aspects of the procurement process, including selection of bidders and evaluation of tenders:

- ✓ **Transparency:** this is not simply about disclosure and openness but also the removal of discretion and subjectivity. Evaluation must be based on objective criteria that are known to bidders in advance.
- ✓ **Fairness:** evaluation criteria and the evidence required from bidders must be actually and demonstrably related to the subject matter of the contract and applied proportionately to the stated objectives.
- ✓ **Equal treatment (or non-discrimination):** all bidders and potential bidders must be given the same opportunity, based on the same information and criteria, and evaluated in a non-discriminatory manner.

What is Commissioning?

Commissioning is the process by which public bodies assess the needs of people in their area, design the services to meet those needs and select an appropriate service provider to meet those needs.

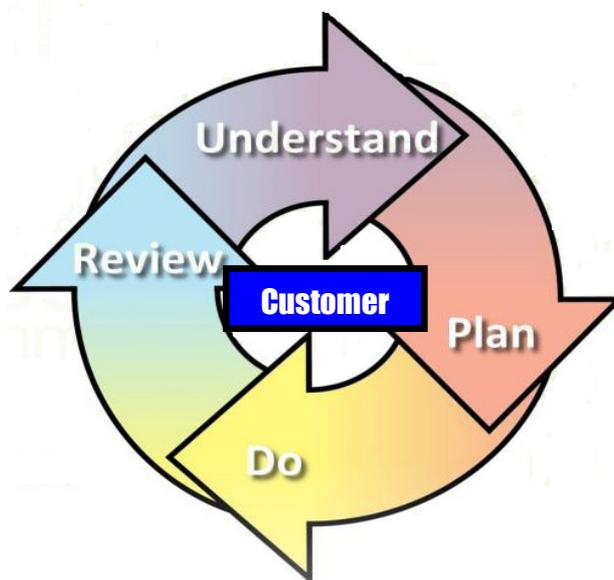
Procurement is one means of selecting who will provide the service; another would be to provide grant aid [eg. to voluntary bodies to enable them to provide the service].

Commissioning can be viewed as cyclical process, covering the wide range of strategic activities to ensure resources are directed to meet current needs.

Put simply, commissioning is about how Sefton does business and gets the most out of the Sefton £. This means deciding how to use and prioritise the total resources (including statutory, VCF, private sector and communities themselves) available within an area in order to improve outcomes for citizens in the most efficient, effective and sustainable way.

Public bodies achieve their objectives through a variety of routes, either by carrying out activities directly or by dealing with outside parties. In broad terms this process can be described as 'commissioning'. The term covers the entire cycle of assessing the needs of people in a local area, designing and securing a cost-effective service in order to deliver better outcomes, and monitoring the performance of the service to determine whether it is fit for purpose, or needs to be decommissioned and replaced with a more effective redesigned service.

The following diagram outlines the model we will apply, made up of four key stages with the customer at the heart of everything we do.



Commissioning is often seen as a complex activity and confused with procurement. In reality commissioning is simple to understand and apply and this framework sets out the processes that Sefton will follow to deliver its commissioning agenda.

This simple service improvement model can be defined as below:

Understand – Recognise local outcomes, needs, resources and priorities

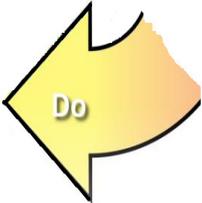
Plan – How to address needs effectively, efficiently, equitably and in a sustainable way

Do – Make decisions to secure better outcomes

Review – Monitor service delivery against expected outcomes and report how well it is doing against the plan. Depending on the outcome of the review stage services may be decommissioned and replaced with redesigned services or ceased altogether.

The commissioning / decommissioning model - Each stage will have key tasks and some of these are outlined below

Stage	Definition	Activities
	<p>Determine the outcomes you want to achieve, identify local needs, resources and priorities.</p>	<ul style="list-style-type: none"> • Identifying and agreeing vision and priorities • Developing a full understanding of needs using data and intelligence plus insight from customers, service providers and staff • Gathering views of Members, service users, providers and employees • Understanding and challenging the business needs (wants v needs) • Resource mapping – assessment of how all resources are currently being used to meet local needs • Analysing current and future spend • Confirming budget and analysing existing and potential suppliers/ supply market • Reviewing what is currently delivered and gathering evidence of what works • Understanding of legal requirements and policy influences • Future proofing – need to look at trends and consider what future needs may be
	<p>Agree what needs to be done – using gap analysis to determine key priorities, objectives and outcomes for commissioning service delivery – commissioning intentions / plan.</p>	<ul style="list-style-type: none"> • Design and plan services to decide upon how need is best met: <ul style="list-style-type: none"> ▪ <i>What needs to continue</i> ▪ <i>What we need to do more of</i> ▪ <i>What we can do less of or discontinue altogether (with Equalities Impact Assessment (EIA))</i> ▪ <i>What should/could be done differently</i> ▪ <i>What we can afford to do</i> • Set out how the outcomes can be addressed effectively, efficiently, equitably and in a sustainable way • Develop a commissioning strategy based upon the ‘understand’ elements of the commissioning cycle • Devise specifications and who will commission what • Develop an options appraisal and commercial challenge of service options • Decide on best methods of delivery of services • Achieve agreement of the outcomes and plan for achieving them through the appropriate process • Social value • Mitigate for unintended consequences

Stage	Definition	Activities
	<p>Make investment decisions based on the appropriate action identified in the “Plan” stage to secure delivery of the desired service or services.</p>	<ul style="list-style-type: none"> • Developing and managing the market through the creation of competition • Drawing up the service specification • Implementing chosen delivery model <ul style="list-style-type: none"> ➢ <i>Shopping</i> – where a decision has been taken to buy (procure) a service ➢ <i>Investing</i> – to build on current practice, support innovation ➢ <i>Giving</i> – grant aid • Managing tender and evaluation processes if required • Developing contracts including performance measures and undertaking training/awareness of new arrangements with workforce • Using grant aid and developing appropriate service level agreements • Exploring partnership agreements or joint ventures • Procurement • Decommissioning (where this has been agreed)
	<p>Monitor service delivery against expected outcomes using performance management and users’ feedback and report how well it is doing against the plan. This drives performance and continuous improvement, which leads to additional benefits.</p>	<ul style="list-style-type: none"> • The findings from the review should feed into the next phase of commissioning either through redesign, re-commission or decommission. • Evaluate impact of commissioned services against outcomes incorporating customer feedback • Consideration of wider unintentional impacts or consequences – both positive and negative • Opportunity for challenge • Benchmarking • Shared responsibility for addressing performance failure • Review the market • Lessons learned from innovation • Recommendations for continuous improvement

Levels of commissioning

Responsibility for commissioning must be placed at the most appropriate level.

Every level of commissioning must remain grounded in what matters to the people using the services.

There are various levels at which commissioning takes place, it does not just happen at a strategic level; there is a continuum of commissioning activity that runs across the system and there is no single 'ideal' location for commissioning all services. The task is to decide what is the most appropriate level to achieve the agreed outcomes efficiently / effectively / equitably / sustainably, and hence the specific local commissioning configuration i.e. where to allocate the responsibility for carrying out particular commissioning activities. Commissioning can be done at a higher than sub-regional level via joint commissioning.



The different levels of commissioning include:

National / Regional / Sub-regional

Specialist commissioning, or where markets are difficult to manage at a lower level. The more specialist the service and the lower its volume, the higher the level at which it is most appropriately commissioned. Some complex and acute needs will therefore often be most effectively met when organisations work together, maybe pooling top-sliced budgets. An example of this is entry to employment programmes, where resources are allocated nationally and regionally through DWP and the Skills Funding Agency, and the challenge is to influence remote commissioners for whom Sefton and its needs are not necessarily on their radar. It is the role of strategic commissioners to establish clear agreed relationships, support, information flow, governance and structures, and accountability between the different levels of commissioning.

Area/Strategic

Strategic commissioning across a local partnership area.

At strategic levels, commissioners determine how to use available resources on the basis of whole population need for broad outcomes and aspirations, for example tackling health inequalities. Best use of resources is on the basis of needs analysis and evaluating existing services, past performance and notable practice elsewhere. Strategic commissioning cuts across different operational services, objectives and organisational boundaries to secure key community outcomes that are not necessarily confined to specific organisational responsibilities.

Locality / Community

Practice-based commissioning, clinical settings, schools or children's centres, or locality area-based commissioning.

The aim of locality level commissioning is generally to meet the particular requirements of the local population and requires a focus on the community dimension. This involves working with others within the community to encourage independent provision of services that meet community need.

Individual

Personal budgets, care and case management, user choice and lead professionals.

Commissioning at this level may be done by the individual, a family member, carer or a lead professional who may work together to undertake a commissioning role e.g. personal budgets, direct payments.

It is about securing the best services for the public through private, VCF, in-house providers or a combination of these.

Approaches to Commissioning

Internal Provision

Commissioning principles will be applied to internal services where parts of the Council can operate as the provider. This ensures consistency across internally and externally commissioned services. This enables all services to be scrutinised equitably for how they meet needs, offer good value for money and deliver against outcomes.

Internal commissioning can be challenging, however through strong leadership and clear communication, the process can support services to evidence how they are meeting a need, delivering value for money and achieving positive outcomes.

Partnerships (influence and relationships)

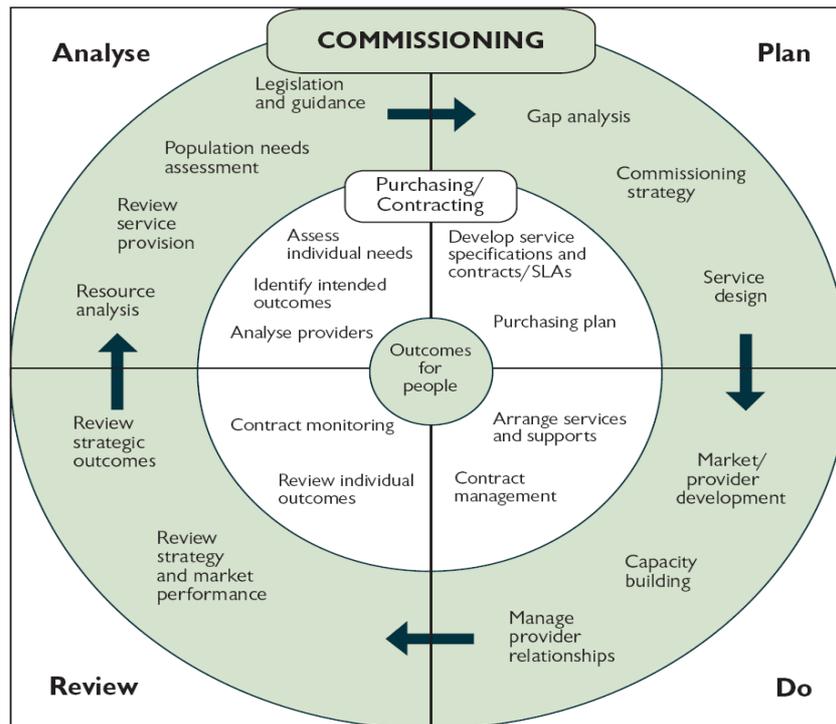
Local Authorities control approx 7% of public sector expenditure in an area, emphasising the need to work in partnership to make best use of all available resource. There is a range of ways in which commissioning can be done within a partnership context:

- Commissioning together – ensuring that all partners are signed up to the priorities and outcomes through commissioning plans to ensure that all services delivered are focused upon the needs of service users and communities, rather than providers or partners
- Joint commissioning – through pooled budgets, operating as a ‘single agency’, joined up delivery of services via reallocation of money, staff or other resources where appropriate. This can also include shared services
- Influence – ensuring all agencies are working towards shared outcomes and that these are incorporated into organisational strategy and planning
- Making a series of asks of partners where single agency response is not appropriate or adequate

Procurement - Commissioning and Procurement Relationship

Procurement is the commercial provision route of the commissioning cycle and is one of the mechanisms that commissioners may choose to use, however due to current legislation there are instances when the procurement route must be used. The introduction of a commissioning framework is complementary with the work done to date on procurement but we will need to build upon this as we take the development of the approach forward. It is suggested that we should have a commissioning framework which encompasses our approach to procurement to ensure consistency in approach.

The following diagram sets out the synergies between the procurement stages of the commissioning cycle (understand, plan do and review) if procurement is chosen as the provision route.



Grants & Grant aid

Grants are used to fund activities that are considered to add value to the Council's overall aims or objectives. For example: one off projects or activities

Grant aid is a payment by the Council to finance all or part of the core costs of developing and running an organisation, to support the overall activities of the organisation, rather than any specific project. For example: core costs for strategically important organisations that add value to the locality and/or support others.

Grant giving is a mechanism the Council can adopt when it identifies a particular issue that is not necessarily tied to one of its statutory duties, but none the less would be of benefit to the community and the council. The criteria include:

- Activities that are not a statutory duty but of great community benefit.
- Unique or high profile problems that may need temporary or experimental solutions
- Activities that do not yet fit in the 'procurement model'
- Where a rapid response is needed and it would be unacceptably delayed if the procurement model was used.

Grants will be by application and to set criteria. Once a grant is awarded 'grant conditions' will be set, this is commonly known as a 'service level agreement'.

Working with the VCF Sector

Our relationship with the VCF sector is critical to delivering successful commissioning in Sefton

The Council are committed to supporting a local thriving VCF sector. VCF organisations can, at their best, provide quality services, combining value for money with innovation and local expertise, being close to citizens and understanding the local context. The Council will ensure that throughout the commissioning process the VCF sector are not disadvantaged and are treated with equal regard as any other interested party.

The commissioning process will place the VCF sector in an openly competitive environment, alongside potential public and private sector providers we will implement a fair and equitable commissioning process with a focus upon achieving the best quality of services within the context of available resources, and encourage the VCF sector to compete on equal terms.

Considerations for the sector in relation to the commissioning process include:

- Consortia approaches are the preferred method for making larger contracts accessible to smaller providers.
- Decisions made about the best funding channel (contract or grant) will clearly demonstrate full consideration of costs and benefits and take into account the impact on local providers and the sustainability of provider diversity
- The relationship between Council and VCF will move from one of patronage to partnership, where the VCF is commissioned to deliver services to the community that contribute to improved quality of life and agreed outcomes.

Working with Small & Medium Enterprises (SME's)

The Council is committed to supporting a thriving local economy and understands that the small business community are an essential element to its economic wellbeing as small businesses generally have a much bigger stake in the local economy with the owners often living locally and employing local people.

Economic research demonstrates that every pound spent locally has a 3 times 'knock on' effect across all parts of the local economy as local businesses employ more staff who in turn have housing and retail needs.

In the past small businesses have found it difficult to tender for council contracts as the tendering process has been overly complicated and time consuming.

The Council will ensure that throughout the commissioning process SME's will be offered appropriate time and support to tender for work on an equal footing. We will implement a fair and equitable commissioning process with a focus upon achieving the best quality of services within the context of available resources.

Social Value

Social value essentially asks the question: “If £1 is spent on the delivery of goods, services and outcomes, can that same £1 also be used to produce a wider benefit to the community?”

The Public Services (Social Enterprise and Social Value) Act requires local authorities, when entering into public procurement contracts, to give greater consideration to economic, social or environmental wellbeing during the pre-procurement. Social Value is the additional benefit to the community from a commissioning/procurement process over and above the direct purchasing of goods, services and outcomes - *though it should be noted that the focus of the Act is on procurement, rather than wider notions of commissioning.*

The commissioner needs to look at the wider value that a service can bring, for example, both the primary outcome for which the service has been commissioned, plus any additional benefits it can have to the wider community – secondary and potentially tertiary benefits. This recognises that every time the public sector spends money, it should do so in a way that achieves as many of its overall objectives as possible. Examples include:

- **A good neighbour scheme which uses volunteers** - The social value of this is attributed to volunteers being targeted from specific age groups and locations in line with other indicators, thus decreasing social isolation for the primary group of individuals (the purpose of the commission), but also for the volunteers (additional benefit);
- **A garden exchange scheme with the primary purpose to help older people live at home and reduce social isolation** - The secondary (social) benefits of this were increasing volunteering within the community, social engagement, physical activity, intergenerational contact, improved physical environment;
- **A community childcare organisation** that invests in programmes to help local long-term unemployed people into childcare training, qualifications and employment.
- **A transport company** that tenders for a contract to run London bus routes and offers to provide added value through the additional delivery of a community dial-a-ride service.
- **A housing management organisation** that wins a contract to undertake property maintenance and repair work, and offers to provide social value by promoting careers in construction and trades to local schools, and committing to employing young people.

Principles for Embedding Social Value in Commissioning

- Strong and visible leadership is essential to making this happen
- Social value must become part of the way we do business and not be seen as an add on
- Any system for measuring social, environmental and economic value will need to be based on recognition that the results are relative, occur over the medium to long term and arise from negotiations between different stakeholders. This means that the key to the process is to have a process which is shared by users and can be based on their systems and processes – it is highly unlikely that a single off-the-shelf method of capturing, assessing and quantifying the benefits can be created

Performance Management

We will focus on the what and not the how

- Effective performance management will enable us to assess the effectiveness of our commissioning in delivering better outcomes for our communities.
- Effective performance management establishes a culture within which individuals and groups take responsibility for the continuous improvement of services
- Performance management is necessary at both strategic and operational level – it is a process not an event. This two stage approach allows performance measurement against set objectives and performance monitoring of contracted services
- We will work within the Corporate Performance Framework
- We will operate within an outcomes based performance management framework that will assess the effectiveness of delivery in relation to outcomes not outputs.

The following is an example of what an outcome framework may mean for us in simple terms

	Quantity	Quality
Effort	How much service did we deliver?	How well did we deliver it?
Effect	How much change / effect did we produce?	What quality of change / effect did we produce?

"Performance management is taking action in response to actual performance to make outcomes for users and the public better than they would otherwise be."

Glossary

Best value - Best Value was introduced in England and Wales in the 1999 Local Government Act. The aim was to improve local services in terms of both cost and quality in a range of activities including almost all local authority functions, including for example social services, environmental health, housing and planning. New statutory Best Value Guidance was published in 2011 and replaces previous guidance.

Commissioning - Commissioning is the process by which public bodies, in consultation with others, plan and decide what work or services are needed and how best to arrange for these to be delivered (including by procurement).

Consortia - An association of two or more individuals, companies or organisations with the objective of acting together for the purposes of a single project

Full cost recovery - This process is where the organisation delivering the service is allocated a fair proportion of resources to cover the overhead costs for each contract or service it provides.

Inputs - Resources to carry out an activity. Inputs may be human, material, financial or expressed as time and includes all money, buildings, equipment, internal and external workforce, and people living and receiving services in Sefton.

Key Performance Indicators - Indicators which help commissioners to measure the performance of suppliers against their contractual obligations

Local Compact - A local Compact is a mutually agreed document and approach to partnership working between public sector and voluntary and community sector organisations locally. It contains principles and commitments on a number of issues, including funding and procurement.

Outcomes - The changes, benefits learning or other affects that happen as a result of services and activities provided by an organisation. The results or impacts of a planned activity or intervention on residents.

Outputs - are the results for our communities and the experiences people have in improving their outcomes. The activities, services and products provided by an organisation

Public sector procurement - The process by which public bodies buy goods or services from other organisations, decided on in the commissioning process.

Relevant authority - Public authorities who must consider a Community Right to Challenge expression of interest, listed in the Localism Act

Relevant service - Services that a Community Right to Challenge expression of interest can be submitted for, except those listed as excluded services the regulations.

Relevant body - Bodies who can submit expressions of interest under the Community Right to Challenge.

Service Level Agreement (SLA) - The part of a contract which specifies the services to be delivered.

Small & Medium Enterprises (SME) - Companies with less than 250 employees and annual turnover of less than 50 million euros (or a balance sheet less than 42 million euros).

Social value - The economic, social and environmental wellbeing of the area. The Community Right to Challenge requires that authorities consider social value of expressions of interest and bids in procurement exercises triggered by a successful expression of interest.

Tender - A written offer to contract to provide goods or services as specified at a stated price. Successful tenders result in the award of a contract to deliver the goods or services specified.

Third Sector - Organisations set up for charitable, social, community or environmental benefit, rather than for profit and which are independent of statutory bodies - now known as the Voluntary, Community and Faith sector (VCF).

TUPE - The Transfer of Undertakings (Protection of Employment) Regulations 2006 is the main piece of legislation governing the transfer of an undertaking, or part of one, to another. The regulations are designed to protect the rights of employees in a transfer situation enabling them to enjoy the same terms and conditions, with continuity of employment, as formerly. TUPE 2006 entirely replaces the Transfer of Undertakings (Protection of Employment) Regulations 1981.

Voluntary, Community and Faith Sector (VCF) - Often referred to as the third sector, this refers to registered charities as well as non-charitable, non-profit organisations, associations and community groups.

Whole life cost - The cost of the project across the whole life of the project.

Whole life value - This is the cost of a project, including all relevant future costs as well as the social, economic and environmental considerations needed to assess the value of the project, product or service