

Ethical Commissioning

Support for commissioners working across local authority teams



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Background



This project, funded by the Adult Social Care Ethical Commissioning (ASCEC) team at Scottish Government, was set up to provide support for commissioners working across local authority teams and influencing others within their authority with embedding ethical commissioning and procurement.

The focus was on supporting collaborative decision making within local authority teams and across different roles to support implementation of ethical commissioning and the development of change leaders. This in turn contributes to the overall outcome for the implementation plans as a whole – ethical commissioning is better implemented across Scotland.

Group Workshops



Iriss ran three online workshops from August to November 2025 with four local authorities: Dumfries and Galloway, Dundee, South Ayrshire and South Lanarkshire. Individuals from different roles in the local authorities participated in the sessions including commissioners, finance, procurement, legal and contract management.

The group sessions provided a space for learning, development and support with the move to ethical commissioning and to hear about current developments and improvements in commissioning practice from the other local authorities. The group also provided a space for peer support, sharing of challenges and solutions, discussions about collaborative working and how to embed complex change across teams and within procurement, contracts, legal finance and commissioning roles.

SESSION ONE

In August 2025, we ran the first of three online sessions for the project Supporting Local Authority Commissioners with working across teams. The group included procurement officers, contract managers, lawyers, finance officers and commissioners.

There was an update about the Care Reform (Scotland) Act 2025, which had just recently been passed in June, including:

- The provisions in the Act relating to commissioning and duties for the Scottish Government to develop Statutory Guidance on ethical commissioning.
- Changes to procurement and a new proposal for the Scottish Government to publish information on the social care market.

The group discussed the challenges with implementing ethical commissioning and procurement within their different roles and teams and some of the positive progress they are making. They also shared what motivates them in their role and how they as individuals could implement ethical and collaborative ways of working.

SESSION TWO

The October 2025 session focussed on the Ethical Commissioning and Procurement Principles and in particular involving supported people in commissioning and procurement decision making.

There was an update on the review of the Ethical Commissioning and Procurement Principles and the proposed changes (listed below), And the progress on development of the Statutory Guidance for Commissioners.

The proposed changes to the principles are:

- Making Human Rights an Overarching Principle.
- Proposal to group the principles into themes.
- Changes to language on financial sustainability and transparency, people led support, involvement of people with lived experience, circular economy and climate.

SESSION THREE

The November 2025 session focussed on Ethical Procurement, contracts and moving to outcomes based contracts and contract monitoring. Commissioners, procurement officers, finance, legal and contract managers attended the sessions and shared practice examples of how they are implementing the ethical commissioning and procurement principles and working collaboratively with local providers and individuals. There were innovative practice examples shared in the group about the work happening in different local areas.

There was an update on implementing ethical commissioning and procurement which covered the following:

- Ethical Procurement processes, regulations and social care.
- Outcomes based flexible contracts.
- Contract Monitoring and moving to a learning and outcomes based approach.

Learning from the sessions

MOTIVATION

During the sessions the participants were asked what motivates them and what they value most about their work. Here are some of their responses:

"Ensuring information is clear for support providers. Having good contractual relationships which maximise value for the people receiving support."

"Supported people are at the centre of everything I do in my work."

"Being able to contribute to making a difference to local communities and the opportunity to influence change and support improvements in the region."

"I value the multi-faceted role I have, in particular ensuring services are commissioned effectively to meet need, shaping pathways to improve outcomes and supported people's experience."

"Working on collaboration across teams and organisations. My role is a bridge between commissioners, provider partners and stakeholders (internal and external, public)."

"Ethical commissioning and procurement is everything we do."

IMPLEMENTATION CHALLENGES

Group discussions included how to support collaboration across teams and how to lead and embed change despite the current barriers in the system. The group were asked ‘What helps or hinders you to work collaboratively with others on ethical commissioning and procurement?’

Ethics

The participants highlighted that traditional procurement and procurement regulations don’t fit well with social care support. Some individuals noted that they had been running a test of change in procurement to improve outcomes and fair work. This improved relationships and trust with providers and better outcomes for individuals.



“An ethical approach needs to be taken with wider procurement practice (not just social care).”

Managing financial resources

The group noted that there is a tension between ethical commissioning, improving outcomes, innovation and creativity when resources and budgets are stretched. They discussed the need for adequate financial resources to be able to support local services, providers and to meet essential support for individuals and that this can be a challenge. They noted that they will need to work collaboratively with providers and individuals to manage resources and finances.



“We need to be able to think differently about how to best share financial resources across different care and support needs.”

Collaboration

The participants valued the need for collaboration. They felt that they all needed to work smarter, more collaboratively, and work with other colleagues within the local authority in finance, operational teams and procurement teams to find solutions. Participants want to be able to talk about the ethical commissioning principles collectively across roles, particularly when there is a question on how people are empowered to interpret them in these differing roles.

There was a particular focus on collaborating to include those the support is for. They noted that they have always tried to involve supported people in their commissioning and procurement plans.

"We are working to ensure the right outcomes for people receiving social care."

A REVIEW OF THE CHANGES TO THE PRINCIPLES

The proposed updates to the draft Ethical Commissioning and Procurement Principles and the statutory guidance for ethical commissioning were discussed.

Language and Shared Understanding

Ensuring that the statutory guidance for commissioners and the ethical commissioning principles are easy to understand for everyone is important. This was echoed by multiple participants who wanted to ensure there could be no confusion between different teams/services about the meaning.

"Getting the language and details of the terminology right is essential."

Putting the Principles into Practice

The group felt that there is an opportunity to help professionals to reflect and re-evaluate core principles such as human rights and involvement of supported people and providers. They felt that a shared framework was welcome but implementation would be challenging across different local authority departments and roles.

"It is an opportunity to do things differently - to collectively work with these principles."

Human Rights and Involvement of Supported People

Participants felt that there needed to be greater understanding of how to apply a human rights based approach in both commissioning and procurement practice. The group discussed that a collaborative approach involving organisations that represent different groups at local

level is important; they felt that local authorities need to get better at involving supported people in their commissioning of social care.

“For all local authorities, there needs to be a better focus on human rights and involvement of people. But resources/budgets are stretched and only essential needs are being met. We want to support people to live their best lives but it is challenging. Look to the third sector to help with additional non commissioned support in the community.”

APPROACHES TO OUTCOMES BASED COMMISSIONING AND CONTRACTING

The challenge of moving to outcomes based contracting was discussed and the participants felt that it was important that there is a focus on getting everyone to make the culture shift as well as changing the processes and contracts. They could see that there are already examples of legal model outcomes based contracts which are between the person, the provider and the local authority which local authorities can use. It was thought that it is important to involve social work teams in developing outcomes based assessments for individuals which set out the person's budget and outcomes which can then be used in a 'contract' with the person's support provider.

“We can learn from work in some areas with support for people with learning disabilities or complex needs which is moving towards more outcomes based contracting rather than ‘time and task.’”

“We could explore in more detail how supported people can be involved in shaping contracts/frameworks.”

WORK IN PROGRESS

Below are examples of good work in progress being seen in the local authorities that were discussed in the sessions.

Local Authority A

We are working with Health Improvement Scotland (HIS) on the Delivering Change programme with a workstream for collaborative and ethical commissioning. We are exploring alliance contracts and community led commissioning. We are also working on a place based commissioning model and working to build more community led support.

Local Authority B

We are currently working on reviewing how to commission overnight support arrangements – they want to do this in a collaborative way with families and supported people – exploring the use of new technology and how that can be integrated. There are also considerations about the impact on providers and staff teams if the number of sleepovers is cut, so it's a big piece of work and they are at the scoping stage just now.

We are taking time to implement the changes on overnight support to manage the risks for people getting support and for support workers.

Local Authority B

We are working on Terms of Reference for a new community-based and collaborative commissioning approach for a new service. We are working on a test of change in procurement and fair work. Working with providers, support workers and supported people to ensure fair work and sustainable rate in the contracts for providers which improves sustainability, recruitment and retention of workers and therefore better ongoing support for individuals.

FINAL THOUGHTS FROM THE PARTICIPANTS

"Once you have trust and relationships it is much easier to have the 'sticky' conversations..."

"It's good that the review is going to enable and facilitate good commissioning outcomes."

"Ethical commissioning and procurement is intertwined in all that we do and forms the ethos for working collaboratively both internally and with our providers, in setting standards and expectations from our commissioning and procurement activity which in turn contribute towards the service for the person receiving the service at the end of the processes."

"We are practising the principles of ethical commissioning and procurement in our day-to-day roles often without realising it. I have learned there is a lot of good practice across Scotland and we are all trying our best to navigate the challenges that we are all facing."

"That ethical commissioning is done as the norm but given greater consideration when doing new procurement procedures."

"Enjoyed the open and honest discussions in the workshop today....looking forward to the next session."

"Ethical commissioning and procurement is not straight forward but having peer support through this group will be very helpful as we move forward."

Wider work



This project is part of the [Ethical Commissioning Programme](#) of work undertaken by Iriss. The aim of this piece of work was to support collaborative decision making within local authority teams and across different roles to support implementation of ethical commissioning and the development of change leaders. The learning from this work and report will be combined with the work from the Iriss Ethical Commissioning programme to help meet the outcomes for commissioners, the Scottish Government ASCEC team and their partners:

Commissioners have:

- Increased knowledge, skills and confidence in ethical commissioning practice.
- A clearer sense of commissioning as a distinct profession and the skills and knowledge required to commission ethically.
- Increased ability to take action and implement ethical commissioning in their area.

The Scottish Government ASCEC team and their partners have:

- A clearer sense of commissioning as a distinct profession and the skills and knowledge required to commission ethically.
- Better understanding of current and emerging practice in ethical commissioning.
- Increased knowledge of how practice changes on the ground, the barriers, facilitators and how best to address them.
- Increased understanding of how ethical commissioning implementation is working across Scotland.
- These contribute to the overall outcome for the implementation plans as a whole – ethical commissioning is better implemented across Scotland.



Scottish Government
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