

HOW TO ... commission consultants

Helen Kara on getting the best from this expensive breed

CONSULTANCY IS AN UNREGULATED profession with a reputation for unscrupulousness. Commissioning is a misunderstood occupation with a reputation for mystery. Neither pursuit has an accredited occupational qualification. So how do commissioners and consultants ever get work done? In too many cases, the answer is "with difficulty".

Probably, you will already have experience of commissioning services, and this will come in useful when using consultants. Commissioning services is not just about payment, it's about negotiating exactly what will be paid for, monitoring the service and retaining ownership through an exit strategy or other mechanism. For instance, you might evaluate the first year of a service and on the basis of the evaluation recommendations, make plans for year three, sharing these with service providers in the first quarter of year two.

Overall, commissioning is about communication and shared management. Commissioning a consultant is no different.

Whatever selection method you use, check consultants' references and qualifications

Decide on the task

First, you need to know what you want the consultant to do. Consultancy is a broad church, including research and evaluation, project management, training, writing and "pure" consultancy. The ideal job for a consultant is clearly bounded and relatively straightforward to hand over.

Second, you need to know the intended outcome. For example, a residents' needs assessment on a troubled estate might involve an objective opinion on how to meet tenant requirements, with particular reference to black and minority-ethnic residents and lone-parent families, with participation needed from a minimum of 80% of residents. You need to be clear about what is required before you speak to prospective consultants.

Finding a consultant

Perhaps you and your colleagues will know some consultants. Maybe those you know will be able to put you in touch with others, whereas some consultants have websites. Whatever selection method you use, it is advisable to check consultants' qualifications and references, and ask for details of relevant work they have carried out. Even if you are using a consultant you already know, it's worth finding out what they've done since you last worked together.

Monitoring the consultant's work

When you have appointed your consultant and they have started work, it is essential to keep in touch with them to monitor the service they are providing. A consultant should be reasonably self-sufficient and a commissioner should not need to provide direct supervision. However, regular communication and updates by phone or email are an aid to both sides.

Both you and the consultant should be clear from the outset about how the work will end. The handover from the consultant back to you should be comprehensive and unambiguous.

Overall, the relationship between commissioner and consultant should be a partnership based on mutual respect and support. While you are collaborating, you are working towards the same ends. But the relationship is not equal. As commissioner, you retain responsibility for the project: it is your budget that is being spent and you will live and work with the outcomes long after the consultant has moved on to other things.

Don't pass the buck

Consultants may have a lot to offer your organisation, but you also need to recognise that, however tempting it is to find someone to take a problem away and deal with it for you, this is not always a good solution in the longer term. In particular, if you are considering using a consultant to avoid responsibility for taking an unpopular decision, to put off taking action by requesting yet another piece of research, or to push through – or prevent – change, then please, think again.

■ Helen Kara is director of We Research It and lead author of *Commissioning Consultancy*, available by calling 01297 443948 helen@weresearchit.co.uk

THINK TANK

If you have a housing problem, or a better answer, write in confidence to

THINK TANK

Housing Today,
7th Floor, Anchorage House,
2 Clove Crescent, London E14 2BE
Or email
htletters@buildergroup.co.uk

No rent demanded since 2002

We are a registered social landlord and it has just come to light that a tenant has occupied one of our properties since 2002, but has never been asked to pay any rent. A tenancy agreement was never given to him and no rent account has been set up. The tenant did receive a letter offering him the tenancy, which told him what his rent was to be.

What is the status of this person? Can we collect the rent owing since he moved in? Can we force him to sign a tenancy? If not, how can we demand current rent?

There is no need for a formal tenancy agreement to be signed to create a tenancy at law. An assured periodic tenancy (which I assume was intended to be granted here) can take effect without the need for a written document.

All that have to be present are the necessary elements of a tenancy – exclusive possession at a rent for a term. This means the occupant is your tenant. Since there is also an implied obligation on any tenant to pay their rent, he will owe you rent from the date he moved in: he was told the amount in the offer letter.

The grounds for possession under the 1998 Housing Act are available whether or not there is a written agreement, so you could take possession action on the grounds of rent arrears if the tenant refuses to pay the difference.

Interestingly, if the tenant went into occupation in 2002 without a written