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THE DISEASE OF DIRECT LABOUR: BUYING BETTER FOR THE PUBLIC

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Introduction

A British disease

The Citizens's Charter has rightly put emphasis on better services for the public. 'Better' implies both quality and price and also communication -- clear, simple information about what is going on.

This applies particularly to the way that such institutions as central government, local government and the National Health Service carry out their services; and raises the question whether the jobs they themselves perform could be performed better by others. Few commercial companies act as their own builders, cleaners, launderers and caterers -- and yet that is what we often find, for example, in local authorities, the National Health Service, and in our schools.

In Britain, we do not appreciate how this passion by government organisations for doing it themselves is a *British Disease*, unique in the capitalist world. Too often government, local government and National Health Service officials feel that their importance can be measured by the size of their regular staff. They must be shown that success is not achieved in this way, but through efficiency and quality. To adapt Hilaire Belloc:

The Bureaucrat can win a Prize By delegating Work to Enterprise.¹

The present result of government direct labour practices may not be so vividly fatal as the accident to Belloc's peer who dabbled with the electric light -- but it certainly leads to high cost inflation and much frustration.

Let me give one example of the peculiarity of the British disease. At the height of Scandinavian socialism, I accompanied a delegation of British builders to Norway, Sweden and Denmark. Although living in what were proclaimed socialist societies, the Scandinavians from all three countries were amazed to the extent at which British local authorities (under a then Conservative Government) used direct labour to carry out

^{1.} It is the Duty of the wealthy Man to give Employment to the Artisan.

extensive building work. This was quite unknown in Scandinavia.

Japan provides another example of central and local government 'buying out', and some valuable comparisons were produced on this score by the Japanese Confederation of Labour. The Japanese standard of living is higher than ours -- in contrast, in Britain higher percentage of gross domestic product is consumed by the public sector. The tradition of privatising in Japan goes back to the 19th century when they created nationalised industries. Finding this a failure they courageously privatised them. They have taken similar steps in local government. Hence Japan has fewer than half the local government personnel per head as Britain, and only one third as many civil servants.

Between 1945-55 in Japan local government contracted out very many public services. Then between 1955 and 1970 when several Japanese localities began to suffer severe budget deficits, they were forced to save more costs and went out to private companies for cleaning, and human waste and refuse collection.

Since 1970, Japan continued contracting out to make its citizens more involved in public activities. Local groups were given more responsibility for care of parks, operation of community centres (theatres, libraries, recreation, and conference rooms), and also distribution of publications. Contracting out in local government now includes specialised jobs such as micro-filming, tax assessment and payroll computation, collection of revenues, office cleaning, security, telephones, information services, secretarial work, printing, school lunches, surveys on citizen awareness, water meter reading and home services for the disabled. Disabled services also include mobile bath operations, services for the deaf, sports centres for the handicapped, preventative inoculation, and the operation of youth work centres.

The origins

The British passion for direct labour stems from Victorian times. Why it took hold is unclear. One school of thought traces it to the anxiety caused by the death of Prince Albert allegedly coming from polluted water, and leading to a dramatic programme of local authority investment in services. Another school of thought traces it to a kind of pre-Keynesian revolution. Enough here to note that the *disease* has often led to inefficiencies and higher costs.

One reason for its growth is undoubtedly the power of trade unions in Britain. Direct service employees are very often members of local government unions. This explains their unions' resistance to privatisation. In industries such as cleaning and building, no opposition is given by private companies to union membership. The trouble -- as the public service unions see it -- is that employees are allowed to choose unions for themselves. This means that they are quite likely to choose a union other than a public service one. Hence the fierce campaign, by the public service unions especially, against forms of privatisation.

In local government the history of tendering has swung between Conservative Governments who have -- rather mildly -- encouraged tendering in such activities as building and construction and cleaning, and Labour Governments who have discouraged it. Thus we have seen, as in the 1960s for example, the clock turned back by Labour Governments which scrapped the inadequate legislation that required a third of building work to be put out to tender. It was only the forceful campaign by the building industry supported by Aims of Industry, who documented the enormous losses caused by local authorities' building services, that forced local government to restore the 'one third' rule.

Since 1979 we have, more and more, seen Conservative Governments requiring fair competition between local authorities' direct labour departments and private companies.

This is not just a question of privatising for privatising's sake -- but of saving money which can be better used for reducing rates, improving services to schools and hospitals, etc. It is also a matter of improving quality. Of course when local or central government privatises, the work should go to reputable companies and not 'cowboy'

firms. This is just a matter of sensible management in purchasing, something that is carried out all the time by private industry.

Public services can indeed learn many lessons from business. Companies need to look at the accretion of staff and to see whether work which they do themselves can be bought out at lower cost and with the same or higher quality. The recession has made firms look closer at this question; and we have seen several big companies hand over work such as production facilities and market research to outside suppliers.

One big choice is between *contracting out* (in other words closing down direct labour operations and putting all the work out to the private sector) as opposed to the more usual practice in local government of allowing private companies to tender against the Council's direct labour departments.

An outstanding example of the success of *contracting out* was seen in the Ministry of Defence when, without fuss or much publicity, cleaning work was contracted out to private companies².

Although recently we have seen movements to privatisation even by Labour local authorities, a number of authorities (including some Tory ones) still put up a good deal of resistance. Councillors feel more powerful and paternalist if their staff is swollen by regiments of builders, cleaners, cooks and launderers. They sometimes yield to this temptation.

^{2.} The Civil Servant who was the architect of this success was Mr John Hall, who is now the Director General of the Cleaning and Support Services Association.

The arguments against putting out to tender

The arguments against fair tendering and contracting to companies if the quality is right, run something like this:-

- * Privatisation is concerned only with numbers, not with quality.
- * Since compulsory tendering, four out of five jobs have gone to direct labour organisations in local authorities. So why change?
- * Private companies only get the jobs by under-paying workers.

These criticisms are easily answered. A firm which does a poor job will be replaced, whereas an inefficient direct labour department may go on for ever -- even though the worst scandals, for example in the National Health Service, have taken place under direct labour: cesspits near hospital cooking, fatal accidents, deaths of patients through food poisoning, etc (things which are never mentioned by trade unions in their sometimes vicious campaigns against fair tendering and privatisation). Imagine if private enterprise had been similarly guilty!

The reason why companies do not get the jobs is very often because of corrupt and unfair tendering practices; tendering documents that weigh 5-10 lbs and are designed to put off any prospective tenderer; companies asked to quote for every school or hospital in the area at the same time; a deliberate refusal to give the job to the lowest, best quality tender; loading the tenders with unreal redundancy costs; giving the direct labour department sight of companies' tenders so that they can quote lower (the losses becoming apparent only later)³.

One great advantage of competition is, as even some Labour local authorities have accepted, that it keeps direct labour departments on their toes. It is only fair to record that some efficient ones do exist.

The underpay the workers canard is not hard to refute. Builders, for example,

^{3.} East Herts District Health Authority, for example, produced nine documents for domestic services, each eighteen inches thick!

pay the union rates, companies who are members of the Cleaning and Support Services Association have a minimum rate policy which meets the Whitley minimum rate of pay and so on.

The arguments against a fair tendering policy are thus specious. The *real* objections are political. Just as the Labour Party have seen nationalisation as one of the eternal verities -- but have become conscious of its unpopularity -- so they now regard direct labour as being a good in itself.

The citizen's choice?

The public, if asked, quite rightly want good quality, low cost and high efficiency in the services which as taxpayers and ratepayers they finance. These aims may well conflict -- the best resolution being achieved through competition, if only that was always available.

But the public seldom are asked. Let us take, for example, local government. District Auditors as well as the Department of the Environment are responsible for seeing that local authority practices are efficient, fair and legal. Some District Auditors have been swamped by the sheer weight of illicit practices when it comes to local government tendering. Others have been toughening their attitudes lately, following leadership from the Audit Commission and by Ministers.

Many local government scandals, however, are not publicised. For example, if the public are excluded from a Council meeting at which criticisms of tendering practices are discussed, then the public (according to present rules) have no right to ask for details. Government's view seems to be that the Audit Commission who are responsible for these undemocratic rules should be taking the action to put things to right.

Unfair tendering practices by hospital authorities are often harder to discover because of lack of publicity. We need much more open government here. Recourse to the Ombudsman is too slow. Compulsory openness to the media and the public on contracts would be a step towards strengthening the public's influence.

Some successes of central government

Although central government is often criticised for its bureaucracy, it produced some of the initiative, and can take some of the credit, for taking steps to see that the public got value for its money. Leslie Chapman with his pungent book, *Your Disobedient Servant* and his work at the Ministry of Defence, set the scene. And it was after the Conservative Election victory in 1979 that privatisation of central government cleaning services was examined. Lord Rayner, of Marks and Spencer, as Head of the Government's Efficiency Unit, carried out a study to examine the savings likely to result from the privatisation of such services. The motive was partly to save costs, but also to help meet the Government's commitment to reduce the number of civil servants to 600,000.

This involved switching from direct labour to contract cleaning at some 850 establishments, ranging from the Royal Naval Dockyards to small recruiting offices. Both the Ministry of Defence and the cleaning industry deserve great credit for their adaptability. By the middle of 1980, the pattern of operation was well established.

The operation was one of *contracting out*; no bids were invited from the workforce. Three principles, however, were adopted. Standards would have to be maintained or improved; contracts were given to the lowest acceptable tender if it was cheaper or the same as the existing in-house cost.

As a result, the Ministry's manpower was reduced by over 6,000 full time posts. It saved almost £12 million a year -- or over 40% -- on the cost of cleaning, while also improving standards.

Interestingly, the trade unions in their assault on privatisation steer clear of mentioning this great success and ignore the fact that it was achieved by contracting out.

Compulsory competitive tendering has now been introduced in all central government departments in cleaning, laundry, maintenance, catering and security. Excluding maintenance, total spending in these areas is approximately £250 million. The Central Unit of Purchasing (CUP) has also assisted departments with competitive tendering, encouraging them to extend it to non-specified activities. Total annual savings in 1986-7 from all activities put out to tender since 1979 to 1980 are estimated by the CUP to be about £32 million, within a total of £290 million. (The Ministry of Defence alone

claims savings of around £40 million per year.)

Another success story of central government which should show the way, was on information technology, expenditure on which totalled £1830 million, growing at the rate of 15% a year. Now more and more computing services are being bought from the private sector. The Treasury's Central Computer and Telecommunications Agency (CCTA), estimates that by 1993 the IT budget contracted out to the private sector will have risen from 11% in 1987/88 to 30% in 1992.

The private sector has also helped central government in dealing with large-scale skill shortages. Finally, there is risk transference; well managed private computer services have freed management resources in the civil service.

It is clear, however, as the CBI Public Expenditure Task Force pointed out, that over 90% of departmental running costs are not exposed to competition. The Task Force Report in 1988 stated that total department running costs in 1987/88 are £13 billion. When savings of the order of 20% are clearly within one's grasp, this indicates a potential saving of over £2 billion, releasing resources not only for cost-savings, but also for improving the quality of service.

Patchy record of local government

Local government accounts for over half of all public sector employees and about 40% of government expenditure on goods and services. The need for savings is evident, and would clearly be in the interest of taxpayers and ratepayers, as well as of companies who pay for such a substantial proportion of local government expenditure through taxation and business rates. Resistance to tendering comes mainly from Labour councils but there are some guilty Conservative and Liberal ones too. Staggeringly, the Society of Local Authority Chief Executives (SOLACE) found that outside construction and highway maintenance, cleaning of buildings, refuse collection and grounds maintenance services were subject to competitive tendering in under 10% of authorities. Yet the evidence from Audit Commission reports and the success of local authorities such as Wandsworth and Westminster, show that where tendering is extended, great savings can be achieved.

The Local Government Land and Planning Act of 1980 has obliged many local authorities to introduce separate accounts for direct labour organisations (DLOs) working on sewage, highways, new building work and maintenance. DLOs were required to earn a rate of return of 5% on capital employed.

Information on the result of the 1980 Act is sketchy. Nevertheless, 73% of district councils believed that improved value for money had resulted⁴. On the other hand, the role of the private sector has not been very much enlarged since the introduction of the Act⁵. Progress towards moving work to the private sector has been slow because councils' accounting has been so creative (in order to pretend they have met the required return on capital of 5%). Conditions are being imposed on contracts which make it difficult for companies to get the job. The contract size has been manipulated so that it falls outside the scope of the DLO legislation. Tendering documents can weigh anything up to 5-10 lbs, and make it quite uneconomic for a company to tender. Councils may require excessively high performance bonds and require the work to be done with unrealistic despatch. Meeting high redundancy payments by the private sector may also make tendering difficult or impossible.

^{4.} Association of District Councils Survey, 1986.

^{5.} CIPFA Direct Labour Organisation Statistics, 1981/82 & 1986/87.

Audit Commission reports have shown great variation in costs. The private sector costs are matched only by the best 10-25% of DLOs. That means that the 75% or more of local authorities with inefficient DLOs would benefit by opening up to competition.

The Audit Commission also pointed out that costs are higher when the work is not subject to competition. Two examples:

- * costs of rewiring varying between £218 and £396 per dwelling for private contracts, whereas the cost of work not subject to competition averaged £600.
- * one DLO showed a cost of £2,000 per dwelling for roof tiling, compared with £800-£1,200 for similar work under competitive tendering in a nearby local authority.

On road maintenance, the Commission estimated savings of £180 million could be made or output increased by 16% if the standard of the best 25% were achieved by all authorities. In refuse collecting, there is scope for vast savings. Only 10-25% of DLOs can match the private sector.

Contracting out is, of course, a commonplace with private companies. Successful contracting out is a hallmark of a successful company, as can be seen from some research in the USA⁶. This examination of transport and inventory control showed that characteristics distinguishing the best firms included a positive attitude towards contracting out, emphasis on quality or service and managerial ability when selecting contractors. (Also seeing service supply relationships as alliances, and not isolated transactions.)

In some cases, firms have encouraged management buy-outs by employees undertaking particular services. To take just one example, Midland Bank contract out support, technical and specialist services. These include training and education, legal consultancy, public relations, fleet management and transport, cleaning, market research, external security, product manufacture. Even some trade union headquarters

^{6.} Integrated Logistics: a competitive weapon. A study of organisations and strategic practices, Michigan State University, [?DATE].

are known to make use of contracting out services!

Local government is not without its successes. Wandsworth Council was one of the first to use competitive tendering for street cleaning. Wandsworth's refuse collection had for years been noted for employees working a twenty hour week, poor service in winter weather, high absenteeism, abuse of bonus systems, and high labour costs. Competitive tendering led to radical improvement in costs and quality.

Plan of action

To achieve lower costs and higher quality for the public, local authorities especially need a plan of action. This should include:

- * contracting out wherever possible. Where not, introduce tendering on a fair and businesslike basis. Seeing tendering and contracting out as a matter of co-operation between local authorities and private firms -- not a witch hunt to score points against free enterprise.
- * competition being fair and open. DLOs should not be given tenders from companies and told 'now go lower than that' -- which, alas, is a frequent practice.
- * tendering companies being given speedy and full information on the results.
- * tender documents being reasonable in length and language.
- * tendering being spaced out. For example, a local authority should not ask for tenders at the same time from companies for too many schools in the area, since this can rule out a number of firms from tendering.
- * local authorities not charging companies for essential documents. This is not the practice in tendering in the private sector.
- * adoption of standard tendering procedures for all local authorities.

Action is also needed by government. We have seen the Department of the Environment closing down corrupt, inefficient direct labour departments -- but too rarely. The DoE, at present, seems to believe that they cannot afford to lose a case if the local authority takes them to court for closing down a DLO.

The Audit Commission has become tougher but some District Auditors are still unwilling to take action in the face of obvious corruption in tendering procedures.

Ministers should urge the Audit Commission to instruct auditors to make reports available where the authority concerned had failed to do so. This will, however, involve legislature, since disclosure of information is at present governed by Section 30 of the Local Government Finance Act 1982 -- which provides that information relating to a particular body can be disclosed only with that body's consent, or for the purposes of the auditor's or the Commission's functions, or for criminal proceedings.

The Audit Commission is, of course, an independent body and auditors are themselves independent of the Commission acting in their individual professional capacity, subject to their duty to comply with the Code of Audit Practice.

Here we have a gap between the Government, the Audit Commission, the auditors, and the local authorities. It can result in a local authority banning the public from a meeting in which unfair tendering is discussed and, therefore, successfully arguing that this precludes them from having to give the information to the public. No choice here for the citizen!

Finally, many companies do not like to take up matters with the District Auditor because they feel that they may be victimised in the future by the local authority. They can take the matter up if they wish with their trade federation, and the Code of Audit Practice makes it plain that 'The auditor should take note of any evidence from whatever source which may indicate the possibility of corrupt practices.'

This is better than nothing; at least it gives the federation or association an *informational* status. It should, however, be given a *legal* status, as does the affected company.

Savings in the National Health Service

The immense cost of the National Health Service offers opportunities for great savings to the public. If competition were extended to all general non-medical services, savings might amount to about £500 million a year: money available for improving services and equipment for the patient.

The CBI Task Force sensibly recommended that each year the National Health Service central administration should select a range of services which could be opened to competition. 'These', states the Report, 'could be piloted in, say, 10 different Health Authorities, which *volunteer* to open the particular services to competitive tendering or contracting out. With successful pilot schemes in existence, compulsory tendering of all authorities would utilise the co-operation of local management and alert managers to potential problems and pitfalls.

Two examples of saving through tendering are provided by Ealing and Merton and Sutton.

- * In 1986 Ealing became the first District Health Authority to put a district-wide catering contract out to tender on a management fee basis. Most NHS contracts for support services have been executed on a fixed price basis. Under the management fee system, the major costs of energy, labour and food are re-charged to the customer in line with the previously agreed budgeted level -- but these costs are not guaranteed by the contractors, as they are under a fixed-price system. On top of those costs is the management fee, which includes the profit margin. This produced savings of £130,000 a year on its then budget of £1.62 million.
- * The first domestic services contract at St Helier Hospital in Merton and Sutton saved them over £500,000 a year. The General Manager of the DHA commented: 'Under direct labour, the standards of cleaning were very variable and the quality of management was clearly inferior to that achieved by the company. Now there is a far tighter structure of command and a higher overall standard of service.'

In Scotland the news is even better. Health Boards who had resisted earlier

Governments on tendering are now saving some £66 million a year. (That is equivalent to the cost of 5,500 kidney dialysis machines, 9,000 heart bypass operations, or 19,500 hip replacement operations.) Scottish Minister, Michael Forsyth, has reported that savings have been used to recruit additional medical staff and improve facilities for the young, the elderly, the disabled and the mentally handicapped.

Yet many health managers still suspect the private sector. They have used skilfully worded documentation and contract clauses, and many other means to see that the inhouse workforce win contracts.

Trade Unions object too, of course; and have subjected companies wishing to work for the National Health Service to fierce campaigns. At first a sheet could not fall off a bed without the unions rushing to report the dire accident on local radio or in the local newspaper: this despite the fact that many rather worse accidents in hospitals occurred with those using direct labour. But as more and more hospitals find that they achieve savings and higher quality through tendering -- and in some cases keep their direct services staff on their toes -- we are seeing a greater movement towards fair tendering practices. No doubt we shall later see straightforward contracting out.

The cleaning industry in particular has been patient and persistent in overcoming the difficulties. The benefits show clearly in the study by the National Audit Office in 1987. Cleaning contractors had won 32% of their market, 20% of laundry and 7% of catering. Savings were running at 26% for cleaning, compared with 14% for laundry and 10% for catering.

The National Audit Office estimated that total potential savings were of the order of £120 million to £140 million. The Government's own figures backed up this approach. In February 1991, Health Minister Virginia Bottomley stated that the total annual savings for catering, cleaning and laundry, were running at £120 million. Private contracts accounted for 20% of that total.

Finally, a study by the London Business School showed savings for domestic services at 34% where it had been contracted out, and 22% where it remained in-house following tender. The latter figure is interesting; it shows how competition improves the efficiency and quality of direct services.

Savings in schools

The greatest impetus towards tendering and contracting out in education was created by the 1988 Act giving all secondary (and some primary) schools responsibility for most of their own budgets. This meant that they could buy their own services instead of having them provided by the local authority.

One headmaster of a North London school who became independent summed it up as follows:-

At first I was scared at what I thought would be the financial complexities of becoming independent. I soon discovered that it made things very much simpler. Instead of going to the local authority every time we wanted a new chair or a light bulb, we were able to take action ourselves and cut out the forms and the bureaucracy. It meant that I could now spend a much higher percentage of our income on education.

Education certainly offers great opportunities for contracting out. In accordance with the spirit of the Citizens Charter, it would help if this issue was discussed openly and regularly at school governors' meetings.

Conclusion

In this paper I have dealt with various ways of enabling the citizen to enjoy greater efficiency and higher quality in such areas as central and local government, the National Health Service and schools. But there are some principles that should apply to all bodies financed from the public purse who invite -- or should invite -- tenders from private contractors. They certainly should have similar controls on tendering and contractual management.

Recommendations or regulations should direct public bodies to use standard forms of contract and procedures in order to simplify tendering and to provide a better means of comparing costs and quality of service delivered from contractors. The best procurement methods could then be identified and provide targets for achievement by the others.

There are many detailed procedures concerning use of approved lists of contractors, and practices described in local authority standing orders on contracts which should be examined to produce uniform procedures. The DoE have published model standing orders for use by local authorities which should be reviewed and re-issued in the light of current practice.

The required 5% rate of return on capital should be reviewed to determine whether it is a realistic percentage or whether there is a better means of determining the viability of DLOs.

Useful legislation controlling non-commercial practices and the distortion of fair tendering is contained in the 1988 Local Government Act; and this should (but does not) apply to the NHS, PSA, MoD and Housing Associations. Furthermore, loopholes on costs of redundancy of direct labour forces need to be dealt with. The recent government consultation paper Competition for Quality put forward suggestions which, if implemented, would take a big step forward. It looks at ways of extending compulsory tendering in a number of directions, recommends that the Government should have more powers to take action against erring authorities and makes sensible suggestions on tendering procedures.

Such legislation should be mandatory. There is a widely used (but not mandatory) code of procedure which gives guidance on selective tendering in the building industry. There are, of course, tender arrangements for other products and services outside the

building industry which would require modifications to the Code.

Finally, the easy way of establishing competition between direct labour departments and private companies should not always be taken. The common practice in democratic, free enterprise countries should also be the norm in Britain.

In emphasising the importance of tendering and contracting out, I write solely in the interests of the public, whose taxation and rates (plus company taxation and business rates) pay for the activities of the sections of central and local government described. The objective is efficiency and quality in the services available to all of us.

Moreover, the public has a right to know what happens to its money. So the facts and the figures on tendering and contracting out should be available regularly from government departments, from National Health Service, from local government and educational authorities. The communications should be simple and straightforward.

There are some British eccentricities which are valuable -- but a passion for direct labour is not one of them. We must understand that as far as the preponderent use of direct labour is cornered, we are suffering from a peculiar **British Disease**. The sooner we are cured of it, the better.

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