

Public services matter

Sustaining reform through effective partnership



CBI Public Services Strategy Board—transforming public services

The CBI Public Services Strategy Board promotes quality and value in public services through competition and choice. For more information about its work, visit www.cbi.org.uk/publicservices

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Public services matter

Strong and effective public services are essential to Britain's economic and social wellbeing, and for that reason a great deal is expected of them. Public services should promote social justice while remaining economically efficient and affordable. They are required to address the wider public interest, while also meeting the needs of the individual citizen. Given resource constraints, efficiency, high productivity and value for money are equally crucial.

The CBI believes in strong public services that rise to these complex challenges. As the voice of business we want to work with others—citizens and their elected representatives, consumer advocates and community organisations, public service managers, trade unions and other employee representatives—to ensure our public services are responsive to public expectations and capable of self-improvement.

Based on the private sector's experience in responding to customers' needs, we believe public services would be significantly improved by involving citizens in setting priorities and in service design and delivery. Wherever appropriate, this should be done by increasing individual choice and power for communities over collective decisions.

The commissioners and providers of public services must be held accountable for meeting the policy objectives of government and the community. There must be real and immediate consequences for failure to perform and mechanisms to deliver effective change. Success should be properly rewarded and incentives should be provided to improve performance. We believe that choice in service delivery and competition between providers is an important way of delivering more effective accountability.

For these reasons, the future of public service provision lies in a mixed economy, with public, private and voluntary providers all making a contribution. Responsibility for defining, commissioning and funding core public services and addressing social justice concerns must remain with government and be subject to democratic accountability.



Competition and diversity in the supply of public services gives communities a choice of providers, as well as creating incentives for greater innovation and efficiency. In all cases it is the best provider—regardless of the sector it comes from—which should be engaged to work in partnership with government in the delivery of public services.

Britain has a long history of public-private partnerships, and the boundaries between the two sectors have always been fluid. There is every reason to believe that plurality of supply will continue in future. Governments worldwide are seeking new ways of engaging with the private and voluntary sectors. The UK leads the world here and has the potential to deliver significant economic benefit to the country through a thriving public service industry. But keeping that lead—and the benefits it brings—requires the government to recognise and promote public service markets.

This is not a question of ownership or the privatisation of public assets. Rather, it is about partnership, with government and communities working with the public, private and voluntary sectors to deliver complex services, drawing on the latest innovations in design, construction, management and technology.

Public services cannot be immune from relentless pressures to improve, ranging from evolving user requirements to the impact of globalisation and technological change. We believe the drive for ongoing innovation and increased productivity

matters as much in public services as it does in private industry. And we believe that reasonable profits, as a reward for innovation and endeavour, can play a part in this change and modernisation. Managers across the public service sector should be encouraged to rethink the way in which services are designed to ensure citizen satisfaction.

Service commissioners are entitled to expect that all providers—from the public, private and voluntary sectors—possess a public service ethos, with a clear commitment to customer service, public duty, equity, openness and accountability. Providers that consistently fail to meet an acceptable level of social responsibility should not deliver public services.

Providers should value their staff through strong management, good employment conditions, responsible work practices and investment in training. Only those meeting these high standards should expect to win public service contracts. Commissioners are right to ensure the government’s wider policies on sustainability are addressed through its procurement practices.

At the same time, where public service markets are developed the public sector has a responsibility to ensure these are competitive and sustainable. In part, this is about ensuring a level playing field, with no in-built advantages for incumbents or disadvantages for public, private or voluntary providers.

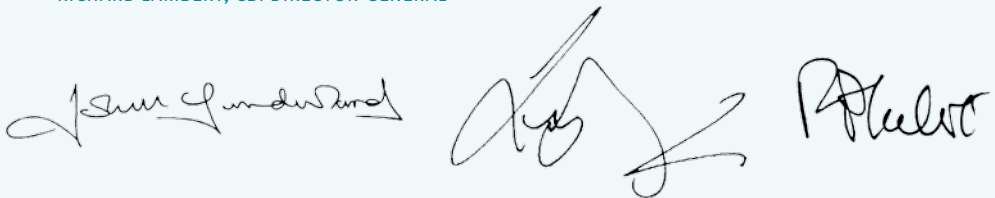
The complexity of today’s world must be reflected in the patterns of public service provision—a self-improving system with strong citizen engagement, effective commissioning and choice from a range of providers will contribute to ensuring better public services for all.

This paper applies these principles to four public service sectors—local government, health, education and children’s services and criminal justice—and considers how business, working in partnership with government and other stakeholders, can help transform services.

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Local government services

Better communities through effective local partnerships

Thriving local government and responsive services help sustain communities. The business stake in strengthening local government goes far beyond its role as user, funder and provider of services. Business has a major part to play in supporting local government as it shapes the localities it leads and, in partnership with all local stakeholders, provides the public services for which it is accountable.

Local government is the natural leader of local public service reform. Its democratic mandate means it is uniquely placed to take the often difficult judgements necessary to reconcile conflicting interests and bring about change.

Clear leadership by local government is essential to raise and manage our expectations of what local services can achieve. It also helps build a consensus between citizens, businesses and other local stakeholders about their shared responsibility to build stronger communities. Providing leadership in a locality includes taking responsibility for local wealth creation and for the state of the local economy. Business and local government priorities are in fact already aligned across many issues, such as transport, skills and tackling worklessness, as well as public services.

Local government must become a service commissioner

A key aspect of this new 'place shaping' role for local government is identifying and responding to needs in a locality, and engaging effectively with all providers to deliver them. Sophisticated local markets are required for local government to be able to commission effectively and there is a proactive role for local government to play here, through building and sustaining markets of diverse service providers.

As has been recognised for some time, local government—in its position as market manager—must strengthen its specialisation in the commissioning of services. A consensus is emerging which suggests that commissioning services in response to local needs is at the heart of how local government will work in future.

Local government should not see this as a threat—the days of compulsory competitive tendering (CCT) are over. The lessons of outmoded CCT-style contracting



have largely been learned—indeed, local government now leads many of the most innovative partnerships with the private and voluntary sectors which are achieving ambitious economic, social and environmental goals. And while CCT was widely viewed as an attack on the legitimacy and autonomy of local government, a stronger commissioning role for councils would now enable them to execute a more strategic, place-shaping role.

Local government must therefore look beyond its role as service deliverer and manage the bigger picture. The separation of delivery and commissioning roles ensures that officers and elected members can both concentrate on building a real local expertise and understanding. Creating a dialogue and engaging with local people is vital to effective commissioning, so that competitive pressures are used to achieve the results that matter to the public.

Well-managed mechanisms to increase ‘choice and voice’ can enhance service quality without threatening efficiency. The CBI supports performance measurements which reflect the necessity of user and community engagement in designing services and evaluating user satisfaction.

Choice should be backed up by good procurement and contract management to ensure project delivery is in line with clearly identified local needs. Problems in public sector procurement capacity can be overcome by better incentives to drive career progression, along with greater use of secondments and sharing of best

For local government to be an effective ‘place shaper’ it must show leadership and embrace its role as a commissioner of services by building sustainable markets with diverse providers from which new and more responsive community services will emerge.

practice. The public, private and voluntary sectors must work together in earnest to identify and remove the underlying obstacles to effective procurement and contract management.

Effective partnerships mean accountable local leadership

Localities need strong and accountable leaders, particularly as local strategic partnerships develop and evolve. Effective engagement with business and voluntary sector partners is vital for sharing skills, knowledge and experience. Building mechanisms for sustained engagement will ensure local leadership is representative and capable of juggling conflicting local needs and priorities. Joining up service delivery means uniting all stakeholders around common goals. Local government should therefore increasingly specialise in developing broader local visions across areas of economic development and regeneration, as well as addressing more traditional service delivery needs.

At the local level, ward councillors have a special role in scrutinising local public bodies and service delivery. They are well placed to act as authentic consumer and community champions, helping services to get much closer to fulfilling local needs.

Local decision making draws the best from all stakeholders

Local government should be a convenor of all local stakeholders, building partnerships around shared goals and allocating resources according to local priorities. These stakeholders—including business—must also evolve in the way they work together and develop mutual trust and respect. The CBI is committed to working with local government to develop joint solutions and new ways of working to improve value for money, affordability and sustainability and to support inter-authority co-operation.

This necessitates the demolition of ‘silo’ mentalities, reflecting calls for more joined-up working across key services. Local area agreements are beginning this

process, including the pooling of budgets and information sharing. This is important, not least because a joined-up approach is key to meeting skills shortages and combating economic disadvantage.

Central government too bears a responsibility to free councils from undue micro-management, allowing them to concentrate on being accountable to local people rather than looking to Whitehall for approval.

Commissioning must respond to community needs

Commissioning based on community involvement is the agent of greater service responsiveness. For most services, collective commissioning will continue to be the norm. But the impact of so-called 'double devolution' means citizens will increasingly want to shape their own services—and could become disillusioned if their needs are ignored. Effective mechanisms must be found for citizens and service deliverers to communicate effectively with each other to reflect both 'choice and voice'. Particular attention must be paid to ensuring that as many citizens as possible—including those in traditionally harder to reach groups—are engaged in this process.

Services need to be not only responsive to local consumer needs, but also economical. This does not always negate commissioning services at a neighbourhood level: through geographical bundling of diverse services, options exist for doing so without losing economies of scale. Equally, there is scope for neighbourhood variation within existing contract structures and business is already building considerable experience in consulting with users and incorporating variation into larger contracts.

Genuinely responsive services will give consumers real influence. This includes consultation during service design and inclusion of the user voice in performance monitoring. Ultimately, however, user power means the ability to challenge and potentially trigger removal of a service provider—whether from the public, private or voluntary sector. Business believes that local government and its partners should explore mechanisms for making this possible, and the CBI will work with local government to ensure such mechanisms are representative and not open to abuse.

Building an NHS fit for the future

For over fifty years the NHS has delivered treatments and advice on a broadly equitable basis. It has recently received considerable investment—up from £45.7bn in 1999–00 to a projected £106.1bn in 2007–08—helping deliver world-class facilities benefiting patients and staff. Waiting lists in England have been dramatically reduced—by 60% for cataract operations, for example—and patients have increasing choice.

But now the NHS faces unprecedented demands, such as an increasingly elderly population, the impact of rapidly changing technologies and new drugs, which will all test health service budgets. These and other challenges will come in a climate of slower budget growth from 2008, so it is essential that the NHS is reformed to allow it to meet these challenges effectively.

Reform will protect the principle of equity in NHS provision

The hallmark of successful reform must be not only improved patient outcomes, but also the maintenance of access free at the point of delivery. There is no point in a re-designed service which provides first-class care but doesn't do so equitably.

But reform must be flexible enough to encourage new thinking: mobilising new providers from all sectors through competition is the best route to service innovation.

The CBI accepts that healthcare is a far from perfect market:

- Information is scarce and technical in nature
- The use of healthcare is unpredictable and cannot be planned
- The need for security of supply means core and emergency services cannot fail
- Clustering related specialities (eg trauma, emergency diagnostics and intensive care) means economies of scale are often required in secondary care.

Clearly, if health services were left purely to market forces, equitable and efficient outcomes would not result. Yet opponents of all competition and choice are missing the point.



Competition and choice mean patients could choose between different suppliers of elective operations on the basis of each supplier's complications rates, post-operative care and reputation for infection control. In primary care, more capacity would allow GPs to compete for patients on the basis of access to their facilities and chronic disease management programmes. Competition and choice means providers delivering what patients really want: speedy access to high-quality care.

Competition is fundamental to securing greater efficiency. New providers have made significant improvements to productivity rates, offering a challenge to publicly provided healthcare. One centre managed to use its two operating facilities 81% of the time—an impressive performance compared to the NHS average utilisation rate of 59% in day care centres.

But the government should go further and examine the case for reform in areas of the health service so far left untouched, such as cancer and renal care. Among non-NHS providers there is a considerable pool of expertise for the health service to draw on. Mobilising their innovation, experience and ethos of continuous improvement should be an increasingly important aspect of policy making.

The transformation of the health service requires a commitment by government—with the support of providers from all sectors—to fully implement the current reform programme, uphold the principles of equity and access free at the point of delivery, and respond effectively to the challenges that choice and competition will create.

Effective choice and competition requires active market management

New providers can bring more efficiency, better clinical care and more capacity to the health service. But if healthcare markets are not well managed these benefits are jeopardised, as the large number of NHS bodies means the consequences of poor market management are significant.

Effective healthcare market management should mean:

- A sustainable commitment to a mixed economy of provision, in which new providers are a permanent force for change and service improvement
- Clear communication, challenging providers to propose solutions on the make-up and organisation of services
- All providers competing on a level playing field
- More skilled and experienced staff managing the interaction between the NHS and providers, so value for money is assured for the taxpayer.

The reform programme must be future-proofed

If the NHS is to face the challenges outlined above, the government will have to move beyond the current reform agenda and establish new structures and processes.

Centrally set targets have undoubtedly helped parts of the NHS to focus on improving performance, but targets can often lead to micro-management and unintended consequences. The priority should be clear strategic goals for health service managers based on service outcomes—not processes. This empowers managers and clinicians to choose how best to deliver these outcomes.

The development of commissioning and a mixed economy of provision in some services—and the separation of purchasing and providing functions within public sector bodies—means a new approach to regulation and scrutiny must be adopted.

Commissioners should break up local monopolies in favour of a more competitive environment or strategic procurements that challenge vested interests. At a regional level this is a clear role for the amalgamated strategic health authorities. As the tariff will be central to the operation of a mixed-provision market in health-care, a separate independent regulator will be needed to ensure no class of provider is advantaged by the way the tariff is set.

Payment by results and the national tariff—if set effectively—will become crucial to the way the health service operates in future. But the tariff should be more flexible, because a uniform tariff provides no scope for providers to supply a service at a lower cost to the public purse. This prevents competition and efficiency. The tariff should ideally become a ‘benchmark’ price, allowing providers to tender for contracts with proposals that may provide a superior service on a better value for money basis.

The government should also plan for the wider consequences of the current reform programme. For example, the community care agenda, the reforms in primary care and other changes—such as ISTCs—will require a reconfiguration of how health-care is provided. And while the best hospitals and GP services will still attract sufficient patient numbers, some will not. When services do fail, public providers should not rely on a continuous flow of taxpayers’ money to support them.

This is an unavoidable consequence, but it can be managed effectively. Nearby successful trusts, or clinics, should be able to come together with the failing institution to advise, or join in federation. Institutions that perform well should be able to take over poor performers and in the last resort, services which fail or go bankrupt should be allowed to close, as long as alternative provision exists locally.

Education and children's services

Building capacity to transform opportunities for children

A happy and secure childhood, with access to good quality education, is every child's right. The CBI readily acknowledges the vital importance of the government's agenda in achieving this, and shares the goal of improved outcomes for children and learners. We also believe business can contribute to achieving this goal.

Delivering what parents and learners want requires enhanced co-operation between the private, public and voluntary sectors. The days when the public sector alone could aspire to deliver all educational services are gone. The public sector still has a strong role to play, but the skills of all sectors will be needed—especially if spending growth is more restrained.

The environment of education and children's services has changed:

- Improving child welfare requires a more holistic approach to care
- Falling school rolls and new patterns of family life demand greater flexibility from services
- Better personalisation and targeting of care and education services will be needed to help close performance gaps—between schools and local authorities and within them
- The globalised economy challenges us to improve workplace skills.

We must therefore take action to make sure our services have the capacity and the right systems and technologies to respond to these changes.

We must build the capacity for greater improvement

There is no question that parts of public sector provision are excellent, but the overall performance is patchy. In some areas the public sector may want to retain direct control over provision, but there is major potential for the private and voluntary sectors to transform delivery and improve capacity through a competitive market.

The capacity required to deliver on outcomes must be developed by all sectors. Initiatives such as Train to Gain are already allowing a mixed market of provision to



deliver service improvement. In schools, firms already provide financial management services, IT systems, training, regeneration and consultancy services such as curriculum and leadership development. In 14–19 and further education, the private sector is an important contributor to raising educational standards and equipping young people with the skills and qualifications they need in the workplace.

Progress to date in harnessing the abilities of other sectors—notably through the reforms to children’s services and the investment programmes in place for our schools—is welcome and should be continued. But for current and future reforms to be sustainable, the government should ensure it promotes the most effective use of all providers.

Opening up more services encourages continuous improvement

Many parts of the private and voluntary sectors offer services which are either better developed or more flexible than in-house provision. Where this is the case—and where public sector services show poor or even mediocre performance—it is the right choice to involve other providers in the improvement of services. As a result of interventions in failing local education authorities (LEAs), we have already seen how the private sector has turned things around and developed high-quality, innovative education services that have a positive impact on children’s performance.

At the heart of achieving success in education and children's services is fundamental reform in how services are commissioned locally, so we can create the capacity and innovation vital to transforming outcomes for all our young people.

A managed education services market that encourages providers to improve continuously to retain the right to provide services is the best way to encourage the integration of the abilities of private and voluntary providers with the abilities and responsibilities of the public sector. In some areas, such as schools ownership, the government will wish to retain public sector control. In these instances it is therefore essential that a strong culture of challenge is maintained to mimic the effects of a market.

Partnership working is fostered by effective commissioning

Every Child Matters united those involved in children's services behind a specific set of goals. Current developments bring together work in health, education and social services in a more holistic child-focused service: to be successful, this programme must provide better co-ordination at the strategic and tactical levels of higher performing specialists. This is also a clear opportunity to foster partnership working through intelligent commissioning.

A multi-agency approach can and does work—as the Sure Start experience suggests—and it is a strategy of which private providers have much experience. Initiatives such as LEA intervention have provided valuable experience in building strong workable partnerships. By using providers from all sectors, commissioners will be able to set out more clearly what their vision for integrated children's service is and challenge providers to come up with innovative solutions.

Integrated children's services and responsive further education require a significant element of change management at local commissioner level. In particular, action must be taken to ensure a clear purchaser-provider split exists, to foster genuine needs assessments and prioritise learners' and children's needs. By doing so, poor provision can be systematically challenged.

Creating a fair market that rewards the best providers is one part of this process. Better communication with, and knowledge of, the market will help commissioners appreciate the possibilities on offer. But it will also lead to more innovative structures that ensure a more integrated service provision and greater breadth of services—structures such as school federations for commissioning.

Ultimately, commissioning must produce the right outcomes for children, their parents and carers. Outcomes-focused procurement—outlining what providers are expected to deliver in terms of the final result, but encouraging innovation in how this is achieved through management freedom—will be a major step forward for service quality. But commissioners also have much to learn from private sector experience and previous contracts, such as LEA intervention. Local education partnerships are one way of ensuring this.

The best providers should have the opportunity to deliver services

Local commissioning must promote excellence—and improve provision which is merely satisfactory. A commitment to competitively neutral markets in education and children’s services is a factor in securing the best services and outcomes. It would ensure that the best-equipped provider is chosen to deliver services—a judgement based solely on the evidence of performance and innovation, not the sector in which the provider operates.

Similarly, standards of service and remedies should be equivalent for each sector. Where provision is inadequate—such as when certain FE courses coast at the ‘good enough’ level, but better value provision is available—then providers should face a challenge. Only through this approach can all providers be incentivised to raise their games and focus on major educational challenges.

Private providers are already helping to ensure quality is maintained through the inspection regime. A range of private providers undertake school inspections for OFSTED across England, and their quality of service has been confirmed by the recent commissioning of the entire inspections regime from and through the private sector.

Offender management

Improving public protection by transforming criminal justice

Society benefits from an environment where crime—and the fear of crime—is low. Yet presently, the criminal justice system is not delivering: the re-offending rate is approaching 60%. There is therefore an imperative to transform how the system operates.

The Carter Report offered a vision of radical improvement through the use of an offender management model to reduce re-offending that integrated work in prisons and the community, and led to the introduction of the National Offender Management Service (NOMS) in 2004.

The CBI supports NOMS because its creation of a clear purchaser-provider split between offender managers and those who deliver services makes radical improvements to service levels possible, and ensures each service is relevant to the offender. But successfully implementing NOMS will require the mobilisation of ideas and talents from across society. Many specialist abilities and innovative solutions exist outside the public sector—in charities, other voluntary sector organisations, social enterprises and businesses. What they all share is a focus on improving outcomes and creating a better quality of life for citizens through the reduction of crime.

Businesses already involved in this market succeed as providers by prioritising the twin goals of reducing re-offending and increasing security for citizens. Their performance is widely recognised: in 2004, Martin Narey, then chief executive of NOMS, said: “The sector’s emphasis on prisoner decency and performance ... coupled with meeting the real challenge of achieving value for money, has contributed to driving up performance across the whole Prison Service”.

The prospect of effective markets in key areas of provision being used to drive up performance and value for money for the taxpayer is therefore welcome; but real concerns remain about the pace at which proposed reforms in criminal justice services are being implemented.



However, there are achievable steps in implementing this multi-agency approach which could maintain the momentum of reform.

Greater certainty is needed on NOMS

In its five-year strategy to reduce re-offending, the government rightly focused on implementing the offender management model, based on a mixed economy of providers.

But progress so far has been slow. The independent and voluntary sectors are ready to take on the challenge of improving provision, but they cannot invest in their capacity to bid for and deliver services without a clear timetable and evident progress from government. This uncertainty also limits the potential for them to develop joint partnerships offering integrated offender management solutions. Public sector providers will also want to adapt and be ready to compete, but can do little without greater market certainty.

If reforms face further significant delay, the quality of competition—and ultimately of services—will begin to suffer.

Tackling re-offending requires fresh thinking

The current delay in progressing market reforms is frustrating in light of the evidence of what can be achieved when competition and partnership working is applied effectively. The criminal justice system was among the first public services

The government has a once-in-a-generation opportunity to re-think every aspect of the criminal justice system, by using competition to stimulate new, effective ways to improve public protection and address persistent problems in offender management.

in the UK to see its benefits. Private and public sector providers have competed alongside each other in the prison service for over a decade: the driver for partnering with providers from outside the public sector was an expectation of service quality enhancement and innovation, not simply reduced cost. Nevertheless, involving independent providers has delivered both service improvement and cost savings—of between £40m and £60m a year between 1991 and 2002—in an environment where only a small part of the market has been opened up to all providers.

In startling fashion, competition has incentivised all providers—including incumbents—to improve their services and re-think the management of offenders through the system.

Private providers have led the way in introducing innovative management approaches, under the challenge of competitive commissioning. For example, the contract for the privately run HMP Wolds was groundbreaking in requiring that all prisoners had more than 12 hours out-of-cell activity, something now recognised across the whole prisons sector. Innovative programmes of drug intervention and resettlement programmes, which use the kind of tailored case management model identified in NOMS, are successfully operated in privately run prisons and by private providers in the community. Some providers, for example, have worked with the Youth Justice Board to develop facilities that meet the needs of young offenders while addressing specific re-offending behaviours. Such partnerships are essential if NOMS is to create a seamless and effective way for offenders to transfer from custody into the community and lead productive lives.

HM Prison Service (HMPS) too has had to improve performance standards through its performance improvement plan in order to win the right to run services. Under service level agreements, HMPS is now running prisons on the same targeted basis as private providers, something which will improve the transparency of the market.

Given the improvements in both the private sector and HMPS that competition has driven, it is therefore disappointing that the impetus behind the use of competition in awarding prison contracts has slowed.

Clear progress on NOMS will help build a sustainable market

There is every reason to expect similarly groundbreaking advances in offender management through the effective operation of the NOMS market. The implications of delay, therefore, are significant, but could be avoided if the Home Office stepped up the pace of reform.

The Home Office must restate and reinvigorate its commitment to the use of a mixed market of provision, to reassure uncertain potential providers. In prisons, where the advantages of competition are clearly demonstrated, the government's recent change of direction concerning the competitive process for the Isle of Sheppey group of prisons—without consultation with or forewarning of providers—has shaken market confidence.

Private and voluntary providers have both demonstrated their capability to deliver responsive services aimed at cutting re-offending. But the risks associated with playing a waiting game are difficult to bear. Genuine progress in market development is not a question of opening up all services to competition. Rather, it is about setting out clearly which services will be open to all providers—giving the market confidence that investment in resources is worthwhile.

Uncertainty is also a factor of confidence in the fair and transparent operation of the offender management market. The Home Office should build up its capacity to plan, analyse and manage the market to ensure its fairness and sustainability. In particular, performance assessment should be even-handed for providers of all sectors.

Evidence from the prisons sector demonstrates how outcomes-focused provision and competition lead to responsive services which meet citizens' and offenders' needs. Commissioners must therefore develop contracts in which managers are given responsibility over a set of outcomes, but also have the space and freedom to innovate in order to achieve results. It is in this process where the real benefits of competition in offender management lie: the generation of new ideas and challenges to ingrained ways of working.

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