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Assembly

## Research and Information Service Briefing Paper

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# Implementation of social clauses policy in Northern Ireland

This Briefing Paper presents information in relation to the implementation of social clauses by Northern Ireland departments. It also gives some information about developments related to the use social clauses in Great Britain and the Republic of Ireland.

This information is provided to MLAs in support of their Assembly duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice or as a substitute for it.

## Key points

- The Northern Ireland Executive has made a clear policy commitment to the use of social clauses in the Programme for Government 2011-15;
- The Department of Finance and Personnel has produced procurement guidance and model clauses;
- The Department of Finance and Personnel has provided figures for the number of placements and apprenticeships provided through social clauses in Northern Ireland. These figures are difficult to compare with those previously provided for earlier years due to differences in the format; and,
- There have been considerable policy and legislative developments in Great Britain and Republic of Ireland in recent years.

## Introduction

This paper was requested by the Committee for Finance and Personnel (CFP) to provide background information on the implementation of social clauses policy in public procurement contracts in Northern Ireland. It is intended to support CFP's scrutiny of the Department of Finance and Personnel's (DFP's) implementation of policy recommendations made by the Committee.

In February 2010, CFP reported on its *Inquiry into Public Procurement in Northern Ireland*. CFP made a number of policy recommendations aimed at maximising the social benefit of the Northern Ireland Executive's expenditure. In particular, CFP recommended:

*...the Committee recommends the use of clauses setting quotas for employing apprentices and the long-term unemployed in all suitable public contracts.<sup>1</sup>*

This paper provides information and data in relation to the implementation of this recommendation by Northern Ireland departments. The paper is structured in the following way:

- Section 1 highlights evidence of the Executive's policy commitment to the use of social clauses;
- Section 2 provides a brief overview of DFP's guidance to departments in relation to social clauses;
- Section 3 presents data provided by DFP on the use of social clauses in public procurement contracts in Northern Ireland;
- Section 4 surveys policy and legislative developments in relation to social clauses in Great Britain (GB) and the Republic of Ireland (RoI);
- Section 5 provides some concluding remarks.

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<sup>1</sup> CFP (2010) 'Report on the Inquiry into Public Procurement in Northern Ireland' available online at: [http://archive.niassembly.gov.uk/finance/2007mandate/reports/Report\\_19\\_08\\_09R.htm#3](http://archive.niassembly.gov.uk/finance/2007mandate/reports/Report_19_08_09R.htm#3) (accessed 4 February 2014) (see Key Conclusions and Recommendations, paragraphs 26-30)

# 1. Policy commitment to social clauses in Northern Ireland

The *Programme for Government 2011-2015* includes the following commitment to:

*Include Social Clauses in all public procurement contracts for supplies, services and construction.*<sup>2</sup>

This is repeated as a Key Commitment milestone under priority 5 'Delivering High Quality and Efficient Public Services.'

Secondly, the DFP Central Procurement Directorate (CPD) has produced a procurement guidance note on integrating social considerations into contracts.<sup>3</sup> This note includes a helpful overview of the Executive's commitment on social considerations in public procurement, which has been reproduced below:

- *In March 2011 a definition of Best Value for Money' was approved as follows:*  
  
*'Best Value for Money' – 'the most advantageous combination of cost, quality and sustainability to meet customer requirements'.*  
  
*In this context, cost means consideration of the whole life cost; quality means meeting a specification which is fit for purpose and sufficient to meet the customer's requirements; and sustainability means economic, social and environmental benefits, considered in the business case, in support of the Programme for Government.*
- *The approval, in May 2002, of 12 key principles to govern the administration of public procurement. The Executive believes that the principles reflect the statutory obligations related to equality of opportunity and sustainable development and link to the Programme for Government. A key principle – integration – is defined below:*  
  
*Integration: in line with the statutory duties on equality of opportunity and sustainable development and the Executive's policy on joined-up government, procurement policy should pay due regard to the Executive's other economic, social and environmental policies, rather than cut across them.*
- *In May 2008, the Executive endorsed the guidance for policy makers, commissioners and procurement practitioners entitled 'Equality of opportunity and sustainable development in Public Sector Procurement. This guidance was produced jointly by the Equality Commission and Central Procurement Directorate.*

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<sup>2</sup> <http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf>

<sup>3</sup> [http://www.dfpi.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content - cpd - policy - procurement\\_guidance\\_notes/pgn-01-13/pgn-0113-vers-18112013.pdf](http://www.dfpi.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content - cpd - policy - procurement_guidance_notes/pgn-01-13/pgn-0113-vers-18112013.pdf)

The guidance note explains the steps departments should take in identifying relevant social needs. For information, this note can be accessed using the following link: [http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content\\_-\\_cpd\\_-\\_policy\\_-\\_procurement\\_guidance\\_notes/pgn-01-13/pgn-0113-vers-18112013.pdf](http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content_-_cpd_-_policy_-_procurement_guidance_notes/pgn-01-13/pgn-0113-vers-18112013.pdf). More detail on a further DFP guidance in this area is provided in the following section.

## 2. DFP guidelines on social clauses

DFP has relied on administrative, rather than legislative, means of implementing the policy commitment to the use of social clauses.

In September 2012, CPD published ‘*Sustainability Requirements, Guidance and Model Contract Clauses*’. These were developed through the Construction Industry Forum (CIFNI).<sup>4</sup>

In relation to social clauses, the guidance states:

*Contracts to include a requirement that the Contractor either directly, or through the supply chain provides, for each £250K of contract labour value, 13 person weeks of work experience, or employment opportunities for the unemployed, through a Department for Employment and Learning (DEL) approved scheme, or equivalent.*<sup>5</sup>

It also places requirements on the contractor to report to the contracting authority on implementation through the ‘Contractor’s Sustainability Project Report’.

Annexe 2 to CPD’s publication gives detailed guidance and contacts in the Department for Employment and Learning (DEL) in relation to securing support for placements. It also includes a requirement that:

*The Contracting Authority will arrange for periodic checks to be carried out, to verify the apprenticeship information provided by the Contractor.*<sup>6</sup>

Section 4 below surveys policy and legislative developments in procurement policies in GB and the RoI to provide comparative context for CFP’s consideration of the issues in Northern Ireland. The following section presents the data provided to RaISe in relation to the use of social clauses by Northern Ireland departments.

<sup>4</sup> CIFNI representation is drawn from the Construction Industry Group for Northern Ireland and from the Northern Ireland Committee of the Irish Congress of Trade Unions. See

[http://www.dfpni.gov.uk/cpd\\_construction\\_industry\\_forum\\_task\\_group\\_report](http://www.dfpni.gov.uk/cpd_construction_industry_forum_task_group_report) for further information.

<sup>5</sup> [http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content\\_-\\_cpd\\_achieving\\_sustainability\\_in\\_construction\\_procurement/content\\_-\\_cpd\\_proposal\\_for\\_promoting\\_equality\\_and\\_sustainable\\_development/model-clauses-sep-2012-updated.pdf](http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content_-_cpd_achieving_sustainability_in_construction_procurement/content_-_cpd_proposal_for_promoting_equality_and_sustainable_development/model-clauses-sep-2012-updated.pdf) (see page 10)

<sup>6</sup> [http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content\\_-\\_cpd\\_achieving\\_sustainability\\_in\\_construction\\_procurement/content\\_-\\_cpd\\_proposal\\_for\\_promoting\\_equality\\_and\\_sustainable\\_development/model-clauses-sep-2012-updated.pdf](http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content_-_cpd_achieving_sustainability_in_construction_procurement/content_-_cpd_proposal_for_promoting_equality_and_sustainable_development/model-clauses-sep-2012-updated.pdf) (see page 53)

### 3. Implementation of social clauses in Northern Ireland.

In response to RaISe's request for data on the implementation of social clauses by Northern Ireland departments, DFP provided the following table:<sup>7</sup>

<b>Delivery of Social Clauses 2012-2013</b>		
<b>Social Clauses as performance clauses:</b>	<b>2012 - 2013</b>	
	<b>Number of contracts.</b>	<b>Number of trainees.</b>
Construction Apprenticeships making up 5% or more of first tier subcontractors	168	18
Other Apprenticeships	Nil	Nil
Training Opportunities	57	11
Student Placements	4	4
<b>Total</b>	<b>229</b>	<b>33</b>

Figures for earlier years were previously supplied to RaISe in a different format and are attached in full as Appendix 2<sup>8</sup> as well as summarised in the table below:

	<b>Number of apprenticeships</b>	<b>Number of placements for the unemployed</b>	<b>Number of training places</b>
<b>2008-2009 to 2011-2012</b>	366	250	430

In relation to the figures in the Table, CFP should bear the following points in mind:

- Responses were not disaggregated by year by some Centres of Procurement Expertise (CoPEs) and so are presented as totals for the years.
- Roads Service stated 400+ training places had been provided over the period – included in the table as 400 in the absence of a specific figure.

It is not possible to provide CFP with a comparison of the 2012-13 figures with those previously supplied by DFP for earlier years because they were not provided in a consistent format. A crude observation may, however, be made.

Based on DFP's figures only 33 trainees were engaged as a consequence of social clauses. However, the average (mean) number of apprenticeships, placements for the unemployed or training places over the preceding four-year period was 261.5.

**CFP may wish to ask DFP to clarify if this apparent drop in places is actually a drop, or if data is being collected in a different way.**

<sup>7</sup> Communication from DFP Official, 22 January 2014

<sup>8</sup> Reproduced from previous RaISe paper NIAR 646-12 'Social Clauses and Youth Unemployment'

## 4. Social clauses in Great Britain and Ireland.

This section charts policy and legislative developments in relation to public procurement and the use of social clauses in GB and RoI. It demonstrates that Northern Ireland's neighbouring jurisdictions are following similar policy approaches to that taken by the Executive.

### 4.1. Republic of Ireland

Recently, in the RoI there have been moves towards including social clauses in public procurement contracts. In July 2013, the Irish Government published *Pathways to Work 2013*, which contained a 50 point Action Plan to tackle unemployment.

Under Strand 4 of the Action Plan entitled "Incentivising employers to provide more jobs for those who are unemployed", the Department for Public Expenditure and Reform was identified as having responsibility to:

*Conduct and evaluate an initial pilot on social clauses in procurement of public works.*<sup>9</sup>

In October 2013, the Minister for Public Expenditure and Reform announced plans to adopt a targeted approach to the inclusion of a social clause in public works contracts. The Minister stated:

*We will be introducing social clauses into capital works projects in so far as possible to help support new jobs and youth employment. Already a pilot is underway on the schools programme which requires that 10% of the aggregate number of person weeks carried out on the site to be undertaken by those who are recruited from the ranks of the long-term unemployed and 2.5% be undertaken by apprentices.*<sup>10</sup>

In December 2013, the Minister embarked on a process of consultation on how public works contracts may be reformed.<sup>11</sup> In parallel with this review process, there have been legislative developments, as detailed below.

#### 4.1.2 Social Clauses in Public Procurement Bill 2013

In December 2013, a Private Member's Bill was introduced to Dáil Éireann. The long title of the Bill is:

*An Act to provide for the inclusion of social clauses in all public procurement contracts, to provide opportunities for unemployed persons*

<sup>9</sup> <http://www.welfare.ie/en/downloads/Pathways-to-Work-2013.pdf> p26

<sup>10</sup> Overview of Government Capital Spend Programme & Priority Projects – Key Note Address by Minister Brendan Howlin <http://per.gov.ie/2013/10/09/overview-of-government-capital-spend-programme-priority-projects-key-note-address-by-minister-brendan-howlin/>

<sup>11</sup> <http://per.gov.ie/2013/12/13/brendan-howlin-minister-for-public-expenditure-and-reform-calls-for-submissions-in-respect-of-the-review-of-public-works-contracts>

*and apprentices, to ensure equality in the workplace in the carrying out of public contracts and to provide for sustainable development.*<sup>12</sup>

Introducing the Act, the Member stated:

*This Bill proposes to legislate for the inclusion of social clauses in all large public procurement contracts worth in excess of €1 million.*<sup>13</sup>

At the time of writing, no date for the second stage of the Bill was listed on the Oireachtas website.

## 4.2. England and Wales

The *Public Services (Social Value) Act 2012* applies to public services contracts and framework agreements across almost the entire public sector and requires that public authorities:

- *have due regard to the economic, social and environmental well-being impacts of procuring public services, and;*
- *must consider whether to consult on this issue at the pre-procurement stage.*<sup>14</sup>

The Act aims to strengthen the social business sector and to make the concept of “social value” more relevant and important in the placement and provision of public services.

This could have a positive impact with regards to creating jobs, stimulating the local economy and providing best value for money by making social value a weightier consideration in the procurement process and including social clauses in all public contracts.

For further details on this Act, please refer to RaiSe Research Paper [The Public Services \(Social Value\) Act 2012](#).

### 4.2.1. Apprenticeships and Skills (Public Procurement Contracts) Bill

On 19 June 2013, a Private Member’s Bill was presented to Parliament as:

*A Bill to require certain public procurement contracts let by public authorities to include a commitment by the contractor to provide apprenticeships and skills training; and for connected purposes.*<sup>15</sup>

<sup>12</sup> <http://www.oireachtas.ie/documents/bills28/bills/2013/13413/b13413d.pdf>

<sup>13</sup> <http://oireachtasdebates.oireachtas.ie/debates%20authoring/DebatesWebPack.nsf/takes/dail2013121700030?opendocument&highlight=Social%20Clauses%20in%20Public%20Procurement%20Bill%20>

<sup>14</sup> <http://www.legislation.gov.uk/ukpga/2012/3/enacted>

<sup>15</sup> <http://services.parliament.uk/bills/2013-14/apprenticeshipsandskillspublicprocurementcontracts.html>

However on 1 November 2013 this Bill was withdrawn and will not progress any further.<sup>16</sup> During the Second reading of the Bill, the Minister of State, Cabinet Office, stated his reservation on the necessity of this legislation given that provision already existed in The Public Services (Social Value) Act 2012. The Minister stated:

*As for whether the law is needed[...] the Public Services (Social Value) Act 2012 extended that permission. The Act, which came into force in January with cross-party support, places a requirement on commissioners to consider the economic, environmental and social benefits of their approaches to procurement before the process starts.*<sup>17</sup>

This statement shows that, in the view of the UK Government, no legislation is required to introduce social clauses for the provision of apprenticeships etc.

### 4.3. Wales

In 2010 the Welsh Government published ‘*Community Benefits: Delivering Maximum Value for the Welsh Pound*’.<sup>18</sup> The guide encouraged Welsh Public Service providers to consider the inclusion of community benefits in their procurement activities. The report included a flow chart explaining the approaches which could be taken to integrate community benefits into activities – see Appendix 2.

In May 2012, the Welsh Assembly’s Enterprise and Business Committee produced a report into *Influencing Modernisation of European Procurement Policy*. This report contained the following recommendation:

*The Welsh Government to prioritise measures to increase awareness of its Community Benefits policy among Welsh public sector contracting authorities, as well as contracting authorities and contractors operating in key areas of non-devolved spend in Wales, including transport and other infrastructure.*<sup>19</sup>

In December 2012, the Finance Minister announced a Wales procurement policy statement setting out the procurement practices and the specific actions that will be required of every public sector organisation in Wales.

The procurement policy included the following policy principle:<sup>20</sup>

**Community Benefits** – *delivery of added value through Community Benefits policy must be an integral consideration in procurement.*

*How will this be achieved?*

<sup>16</sup> <http://services.parliament.uk/bills/2013-14/apprenticeshipsandskillspublicprocurementcontracts.html>

<sup>17</sup> <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/chan68.pdf>

<sup>18</sup> <http://wales.gov.uk/docs/dpsp/publications/valuewales/100426commbenefitsen.pdf>

<sup>19</sup> <http://www.senedd.assemblywales.org/documents/s7782/Influencing%20the%20Modernisation%20of%20EU%20Procurement%20Policy%20Report%20-%20May%202012.pdf>

<sup>20</sup> <http://wales.gov.uk/about/cabinet/cabinetstatements/2012/welshprocurement/?lang=en>

<b><i>Welsh Government will:</i></b>	<b><i>The Welsh public sector will:</i></b>
lead on maintaining and strengthening Community Benefits policy; strengthening support available on the ground and challenging the application.	apply Community Benefits to all public sector procurements where such benefits can be realised.
	apply the Measurement Tool to all such contracts over £2m to capture and report outcomes to the Welsh Government.

#### 4.4. Scotland

In February 2008, the Scottish Government published a report entitled *Community Benefits in Public Procurement: A Report Demonstrating the Methodology for Including Targeted Recruitment and Training Clauses in Public Sector Contracts*.<sup>21</sup> This report sets out the legal and policy requirements relating to “community benefit clauses” in public procurement contracts, paving the way for the legislation described in the sub-section 3.4.1 below.

Also in February 2008, the Scottish Government and COSLA (Convention of Scottish Local Authorities) jointly published guidance on the use of community benefit clauses in procurement contracts.<sup>22</sup>

##### 4.4.1. The Procurement Reform (Scotland) Bill

The *Procurement Reform (Scotland) Bill* was introduced to the Scottish Parliament on 3 October 2013. If enacted, it will place a statutory requirement on the contracting authority to consider community benefit requirements as part of the procurement process, if the given contract has an estimated value in excess of £4,000,000.

Clause 19 of the Bill defines a ‘community benefit requirement’ as:

*... a contractual requirement imposed by a contracting authority—*

*(a) relating to—*

*(i) training and recruitment, or*

*(ii) the availability of sub-contracting opportunities, or*

*(b) which is otherwise intended to improve the economic, social or environmental wellbeing of the authority’s area in a way additional to the main purpose of the contract in which the requirement is included.*<sup>23</sup>

Stage 1 of the Bill is due to be completed by 21 February 2014.<sup>24</sup>

<sup>21</sup> <http://www.scotland.gov.uk/Resource/Doc/212427/0056513.pdf>

<sup>22</sup> <http://www.scotland.gov.uk/Resource/Doc/212259/0056492.pdf>

<sup>23</sup> [http://www.scottish.parliament.uk/S4\\_Bills/Procurement%20Reform/b38s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Procurement%20Reform/b38s4-introd.pdf)

<sup>24</sup> <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/68170.aspx>

A briefing note on this Bill has been produced by the Scottish Parliament Information Centre (SPICe) and can be accessed here:

[http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/S4/SB\\_13-67.pdf](http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/S4/SB_13-67.pdf)

## 5. Concluding remarks

It is clear that the Northern Ireland Executive has made a clear policy commitment to the use of social clauses in public procurement contracts.

From the data provided by DFP, it is unclear whether the use of social clauses in Northern Ireland remained in 2012-13 as significant as appears to have been the case in the 2008-09 to 2011-2012 period.

Northern Ireland's neighbouring jurisdictions are following similar policy approaches to that taken by the Executive. In both GB and RoI there are also commitments – and these have stimulated legislative action by the Scottish Government, and Private Members Bills in both Westminster and the Dáil.

## Appendix 1: Welsh Government's Community Benefit Flow Chart

Applying non core community benefits to the procurement process

Step	Consider	Action
		<b>Stage 1</b>
1	Consider the potential to seek wider community benefits from your procurement	Begin planning early Determine whether the contract offers an opportunity for the contractor to deliver wider social benefits, e.g. <ul style="list-style-type: none"> <li>• Recruit, train and retain economically inactive people</li> <li>• Deliver supply chain initiatives</li> <li>• Work with the Third Sector and/or supported factories &amp; businesses</li> <li>• Contribute to Community schemes</li> <li>• Contribute to local education</li> </ul>
2	Consider your Organisation's Powers, Duties and Policies. The community benefits sought must be intra vires (within the Organisation's power) and the outputs or benefits being sought must be in accordance with the aims, objectives and policies etc. of the Organisation.	Check to ensure the pursuit of 'community benefits/social requirements' is related to the Organisation's Powers, Duties and Policies. Review all relevant documentation for example: <ul style="list-style-type: none"> <li>• Organisation's Constitution</li> <li>• Standing Orders</li> <li>• Financial Regulations</li> <li>• Business Plans</li> <li>• Establishment Orders or equivalent</li> <li>• Standing Financial Instructions</li> <li>• Organisation's Policies/Procedures</li> <li>• Sustainable Development Policy</li> <li>• Equality and Diversity Policy</li> <li>• Organisation's Goals and Objectives</li> <li>• Community Strategy</li> <li>• Procurement Strategy</li> <li>• Regeneration Programmes</li> </ul>

3	Seek advice and consider existing case studies.	Engage with Value Wales to obtain advice and guidance, and also example case studies. Review existing case studies for practical guidance on what could be achieved.
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Step	Consider	Action
		<b>Stage 2 Consultation, Commitment and Planning</b>
4	It is important to engage the organisation. Commitment must be wider than just Procurement.	Obtain Senior Management commitment to the application of 'community benefits/social requirements' in procurement arrangements. Obtain key internal stakeholders commitment, for example, Project Board, legal advisers, Regeneration colleagues, Project Delivery Team. Engage with Value Wales to obtain further support and /or training for wider stakeholder group as required. Decide if you will pursue core or non-core approach to delivering outcomes.
5	Key External Stakeholders.	Identify key external partners who are able to support the project, for example: Jobcentre Plus (Recruitment) Built Environment Sector Skills Councils (Employer Engagement) Welsh Assembly Government's Department for Children, Education & Life Long Learning (funding training) Welsh Assembly Government's Department for Economy and Transport (Supporting the Client and Contractor) Careers Wales (All Age Careers Advice) Construction Skills Value Wales (Sustainable Procurement advice) NB: The above list is not exhaustive. Engage with Value Wales for assistance in identifying the appropriate external stakeholders. Set up a 'Community Benefits Project Board' to assist in delivery.
6	Plan Approach.	Discuss the extent to which 'community benefits/social requirements' could be applied to the contract. Prepare business case for approval by senior managers, evidencing the value of the proposed approach and demonstrating outcomes are intra vires (see step 2).

7	Market Sounding.	Engage with the supply chain i.e. main contractors and sub contractors. Share with them the Organisation's Strategy in respect of 'community benefits/social requirements' and discuss their commitment to achieving the Organisation's aims and objectives. Encourage suppliers to register on the National Procurement Website <a href="http://www.sell2wales.co.uk">www.sell2wales.co.uk</a>
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Step	Consider	Action
		<b>Stage 3 Procurement and Implementation</b>
8	Sustainability i.e. Social, Economic and Environmental Issues.	Complete Value Wales Sustainable Risk Assessment (SRA) Template to ensure that social, economic and environmental issues are addressed. This should form part of the overall project risk assessment. Engage with Value Wales to obtain advice and guidance.
9.9.1	Contract Notice.	Tender Process Include 'community benefits/social requirements' in Contract Notice. (example of extract in section 3) Submit Contract Notice to <a href="http://www.buy4wales.co.uk">www.buy4wales.co.uk</a> . (The notice will automatically go to OJEU). NB. This approach assumes use of the Restricted Procedure.
9.2	PQQ Stage.	Issue Pre Qualification Questionnaire to include a candidate information pack which would contain references to organisational objectives and the type of company that the organisation would like to 'partner' with. Evaluate Pre Qualification Questionnaires (PQQ) submitted. NB. 'Community benefits/social requirements' are not part of the PQQ process. Identify tenderers to be invited to tender and offer debrief to those tenderers not invited.

9.3	Briefing Tenderers.	Organise meetings to brief tenderers. Explain the wider policies/objectives of Organisation and how the application of 'community benefits/ social requirements' could help in achieving the Organisation's policies and objectives. Ensure contractors understand that they must submit a community benefits plan as part of their tender submission. This will not form part of the tender evaluation process; however, the successful contractor(s) will be required to implement the plan in conjunction with the Organisation.
9.4	Invitation to Tender.	Ensure 'community benefits/social requirements' are included in Invitation to Tender. Request community benefits plan as part of tender submission in the form of a Method Statement or similar to include how 'community benefits/social requirements' would be implemented, monitored, measured and reported by the main and sub contractors. (example of extract in Section 3)

Step	Consider	Action
9.5	Tender Evaluation.	Conduct tender presentations and if necessary clarify each tenderer's approach to achieving 'community benefits/social requirements' as contained in their proposal. Ensure that all contractors' costs and resources have been included in the programme of work. NB. Tenderers response to Community benefits requirements will not form part of contract award criteria.
9.6	Contract Award.	Ensure the commitments made in the contractor's plan are implemented and where appropriate cascaded to the sub contractors. Debrief all unsuccessful tenderers.
10	Community Benefits Plan.	Agree implementation timeframe, monitoring, measuring and reporting processes for the plan with contractor. Organise awareness sessions with main contractor and sub contractors, where appropriate.
11	Support for Contract.	Re-engage with Community Benefits Project Board to assist in the delivery of 'community benefits/social requirements'.

12	Monitoring, Measuring and Reporting of success.	Ensure reports are submitted and contract is monitored/measured to determine success of the use of 'community benefits/social requirements'. (example of extract in Appendix 3) Link to Organisation's Performance Measurement/Key Performance Indicators, for example Sustainable Development Policy, Community Strategy. Assess impact.
		<b>Stage 4 Promotion of Best Practice</b>
13	Feedback from Client/Contractor/ Trainees.	Assess feedback from all parties involved in the project.
14	Case Study.	Develop a 'Case Study' and share good practice with other Organisations to promote the use of 'community benefits/social requirements' in public sector procurement. Submit copy of 'Case Study' to Value Wales for inclusion on the Procurement Route Planner.
15	Lessons Learned.	Capture and then apply lessons learned from the process to retender process and other tender exercises.

## Appendix 2: 2008-2009 social clause implementation

<p><b>Questions ►</b></p> <p><b>CoPEs ▼</b></p>	<p>1. How many Apprentices<sup>1</sup> have been placed with a company as a result of a social clause for each year since 2007 and via which Department?</p>	<p>2. How many unemployed people have been employed<sup>2</sup> by a company as a result of a social clause for each year since 2007 and via which Department?</p>	<p>3. How many training places have been found with a company as a result of a social clause for each year since 2007 and via which Department?</p>	<p>4. If possible could I get a breakdown of the age of apprentice, trainee and employee places created for each year since 2007?</p>	<p>5. Have any reviews or evaluations been carried out of social clauses and if so could I get a copy?</p>	<p>6. How many Public Procurement contracts in the last five years have included social clauses regarding the creation of Apprenticeship, Trainee and employment places, and for which Departments?</p>
<p><b>HEIG</b></p>	<p><b>2007/2008:</b> no social clause requirement</p> <p><b>2008/2009:</b> no data available</p> <p><b>2009/2010:</b> 4</p> <p><b>2010/2011:</b> 19</p> <p><b>2011/2012:</b> 36</p>	<p><b>2007/2008:</b> no social clause requirement</p> <p><b>2008/2009:</b> no data available</p> <p><b>2009/2010:</b> 4</p> <p><b>2010/2011:</b> 5</p> <p><b>2011/2012:</b> 11</p>	<p>It is not clear what is meant by training places and as such we have not provided any data. The Social Clauses currently only require opportunities for unemployed, apprentices and students.</p>	<p>Data regarding a breakdown of the age of persons who took up apprentice, trainee and employee places is not available.</p>	<p>HEIG has not carried out any reviews or evaluation of social clauses</p>	<p><b>2007/2008:</b> no social clause requirement</p> <p><b>2008/2009:</b> no data available</p> <p><b>2009/2010:</b> 123</p> <p><b>2010/2011:</b> 82</p> <p><b>2011/2012:</b> 180</p>
<p><b>CPD CONSTRUCTION</b></p> <p>A number of CPD projects are grant funded by departments</p>	<p><b>2007/2008:</b> no social clause requirement</p> <p><b>2008/2009:</b> 6</p> <p><b>2009/2010:</b> 112</p> <p><b>2010/2011:</b> 115</p> <p><b>2011/2012:</b> 23</p>	<p><b>2007/2008:</b> no social clause requirement</p> <p><b>2008/2009:</b> 8</p> <p><b>2009/2010:</b> 43</p> <p><b>2010/2011:</b> 77</p> <p><b>2011/2012:</b> 11</p>	<p><b>2007/2008:</b> no social clause requirement</p> <p><b>2008/2009:</b> 0</p> <p><b>2009/2010:</b> 2</p> <p><b>2010/2011:</b> 10</p> <p><b>2011/2012:</b> 4</p>		<p>A review which led to the recent change to the targets was undertaken by the CIFNI Sustainability Task Group. It also led to the establishment of an interface with DEL for validation.</p>	<p>Social clauses are included in all construction contracts. Contract values which have exceeded the £250k labour threshold quoted.</p> <p><b>2007/2011:</b> 37</p>

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<p><b>NIHE</b></p>	<p>These two categories have only recently been included in our contract clauses and the Housing Association clauses. We therefore can not provide information pertaining to Apprentices and training places.</p>	<p>Within the Housing Association network we have, to date, created 57 placements and 8 direct employment offers.</p>	<p>These two categories have only recently been included in our contract clauses and the Housing Association clauses. We therefore can not provide information pertaining to Apprentices and training places.</p>		<p>We review the application of social clauses on an on-going basis but we have not conducted a formal review. Reviews would be carried out in the main by CPD with the support of the CoPEs. These reviews would ultimately lead to new policies or clauses that would be approved by PPG and in turn the Procurement Board.</p>	<p>A very large percentage of contracts over the last 5 years have contained the various iterations of social clauses that have existed. But these would be primarily aimed at employment places. The new clauses for Apprenticeships and University places are just being rolled out.</p>
<p><b>NEELB</b></p>	<p>Over the period of 5 years there has been 25 apprentices employed. I am unable to identify on a yearly basis as the schemes spanned different financial years.</p>	<p>Over the same period there has been 7 unemployed who took up jobs with the contractors. Once again I am unable to identify on a yearly basis.</p>	<p>I am unable to ascertain training places.</p>		<p>I assume reviews are carried out by CPD</p>	<p>All major works ( 4No) include these clauses and all minor works less than 500k include reference to these social clauses in the standard documentation issued by CPD even though values are below threshold</p>

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<b>SEELB</b>	Nil return	Nil return	Nil return		Nil return	Nil return
<b>SELB</b>	-	-	-		-	-
<b>WELB</b>	Nil	Nil	Nil		No Reviews carried out	16 No Minor Works Projects included Social Clauses with contract value ranging from £60k to £250k. These are under the threshold.
<b>BELB</b>	-	-	-		-	-
<b>TRANSLINK</b>	6 measured from 2008 - 2011. Not measured separately from 2011 (new clause requires 5% of work force).	11 long term unemployed or Steps to Work (from 2011) measured from 2008 – 2011	14 student training places from 2011 (introduced 2011).		We have not carried out any formal reviews, but work with PPG in reviewing Sustainability Clauses	We include social clauses for all construction contracts. 6 contract values have exceeded the £2m or £500k labour threshold
<b>NI WATER</b>					No	
<b>ROADS SERVICE</b> Contracts span several years	<b>2009/2012:</b> 20+	<b>2009/2012:</b> 16	<b>2009/2012:</b> 400+		No	<b>2009/2012:</b> 9

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<p><b>CPD SUPPLIES &amp; SERVICES</b></p>	<p>Don't hold this information.</p>	<p>Don't hold this information.</p>	<p>Don't hold this information.</p>		<p>Not available.</p>	<p>Not available</p>