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Wiltshire Council

Cabinet

29 November 2022

Subject: Socially Responsible Procurement Policy

Cabinet Member: Cllr Nick Botterill, Cabinet Member for Finance, Development Management and Strategic Planning

Key Decision: Key

Executive Summary

This report outlines a Socially Responsible Procurement Policy and recommends its adoption by the Council.

The policy is in response to the Public Services (Social Value) Act 2012 which came into force on 31 January 2013 and requires public authorities to have regard to economic, social, and environmental well-being in connection with public services contracts; and for connected purposes. Consideration to the Act is embedded in our procurement and commissioning processes at Wiltshire Council, however, this policy enables the Council to adopt a formal approach to social value.

The policy places a particular focus on the three National Procurement Policy drivers; creating new business, new jobs, and new skills; tackling climate change and reducing waste; improving supplier diversity, innovation, and resilience.

The policy aims to provide an overarching framework to ensure a joined up consistent approach to the delivery of socially responsible procurement that encapsulates national and Wiltshire policy drivers.

The policy identifies the following five priorities that represent the Council's values and beliefs:

1. A Wiltshire first approach
2. Local training and employment
3. Partners in the community
4. Green economy and sustainable environment
5. Ethical procurement and well-being focus

The policy sets out the Council's ambition and commitment in respect of these key priorities. To support its delivery the Council will:

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- Oversee the implementation of the policy through the Commercial Board
- Develop and maintain a Social Responsibility Toolkit to support both suppliers and commissioners to maximise the delivery of social value
- Publicise and raise awareness of the Council's social responsibility objectives to ensure that suppliers and contractors are clear about what we want them to deliver
- Develop and implement a Socially Responsible Procurement Delivery Plan for inclusion in tender documents so that suppliers, providers, and contractors can set out how they will support implementation of the policy

This policy has been developed to ensure that Wiltshire Council maximises the social, economic, environmental, and cultural well-being that it delivers through its procurement activity.

Proposal(s)

This report recommends Cabinet agree the following proposals:

- a) To support the introduction and adoption of a Socially Responsible Procurement Policy in our procurement processes
- b) To endorse the five key priorities identified in the Policy, which include:
 - A Wiltshire first approach
 - Local training and employment
 - Partners in the community
 - Green economy and sustainable environment
 - Ethical procurement and well-being focus
- c) Note the proposed governance arrangements within Appendix 1
- d) Endorse that the Director of Procurement, in consultation with the Corporate Director Resources/Deputy Chief Executive, can make appropriate amendments to ensure smooth implementation of the policy in line with changes in business needs
- e) Agree that the Portfolio Holder for Finance – Commissioning and Procurement acts as the Council's social value champion
- f) Note the development of a Social Responsibility Toolkit to support both suppliers and commissioners to maximise the delivery of social value

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- g) Endorse awareness of the Council's social responsibility objectives to ensure that suppliers and contractors are clear about what we want them to deliver
- h) Support the development and implementation of a Socially Responsible Procurement Delivery Plan for inclusion in tender documents so that suppliers, providers, and contractors can set out how they will support implementation of the policy
- i) Endorse the adoption of a social value impact reporting system to measure and evaluate the qualitative and quantitative benefits delivered through procurement activity

Reason for Proposal(s)

The policy is in response to the Public Services (Social Value) Act 2012 which came into force on 31 January 2013 and requires public authorities to have regard to economic, social, and environmental well-being in connection with public services contracts; and for connected purposes. Consideration to the Act is embedded in our procurement and commissioning processes at Wiltshire Council, however, this policy will ensure a formal approach to social value.

The policy places a particular focus on the three National Procurement Policy drivers; creating new business, new jobs, and new skills; tackling climate change and reducing waste; improving supplier diversity, innovation, and resilience.

By delivering this Socially Responsible Procurement Policy, Wiltshire Council intends to meet its requirements of the Public Services (Social Value) Act 2012 and the National Procurement Policy Statement by setting out Wiltshire Council's overarching framework for the delivery of the policy, taking into consideration the wider associated legislative and policy driven requirements and importantly, delivery of the Council's own commitments set out in the Business Plan Principles 2022 - 2032.

Wiltshire Council's vision is to create strong communities. Social Value is how we, the council, in collaboration with our supply chain partners, can actively add benefits to our community and measure the positive impacts on the well-being of our economic, social and environmental activities, in order for the county of Wiltshire to thrive and prosper.

This policy ensures that Wiltshire Council maximises the social, economic, environmental, and cultural well-being that it delivers through its procurement activity.

Terence Herbert
Chief Executive

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Wiltshire Council

Cabinet

29 November 2022

Subject: Socially Responsible Procurement Policy

Cabinet Member: Cllr Nick Botterill, Cabinet Member for Finance, Development Management and Strategic Planning

Key Decision: Key

Purpose of Report

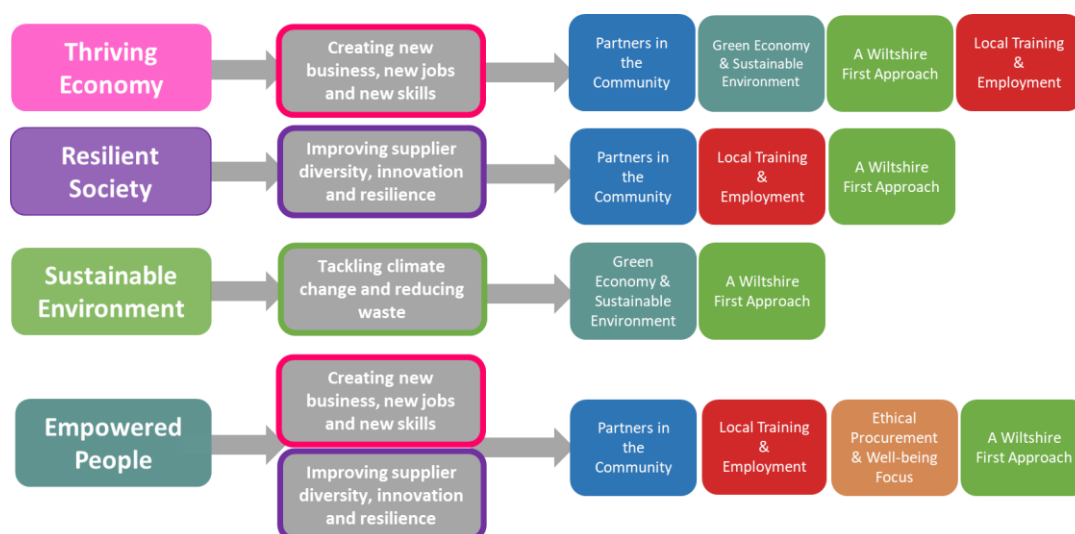
1. This report makes proposals to support the introduction and adoption of a Socially Responsible Procurement Policy in our procurement processes.
2. The Policy is in response to the Public Services (Social Value) Act 2012 which came into force on 31 January 2013 and requires public authorities to have regard to economic, social, and environmental well-being in connection with public services contracts; and for connected purposes. Consideration to the Act is embedded in our procurement and commissioning processes at Wiltshire Council, however, the policy enables a formal approach to social value.
3. The policy places a particular focus on the three National Procurement Policy drivers; creating new business, new jobs, and new skills; tackling climate change and reducing waste; improving supplier diversity, innovation, and resilience.
4. By delivering this Socially Responsible Procurement Policy, Wiltshire Council intends to meet its requirements of the Public Services (Social Value) Act 2012 and the National Procurement Policy Statement by setting out Wiltshire Council's overarching framework for the delivery of the policy, taking into consideration the wider associated legislative and policy driven requirements and importantly, delivery of the Council's own commitments set out in the Business Plan Principles 2022 – 2032.
5. This policy will ensure that Wiltshire Council maximises the social, economic, environmental, and cultural well-being that it delivers through its procurement activity.
6. A wide range of services across the Council have been consulted in the development of this policy.

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Relevance to the Council’s Business Plan

- The policy supports the Council’s commitment to social, economic, environmental, and cultural well-being reflected in the Wiltshire policy drivers, which align with Wiltshire Council’s Business Plan Principles 2022 to 2032:

The policy focuses its efforts on delivering social value via the three outcomes set in the National Procurement Policy Statement 2021. Linking these outcomes to the Wiltshire Council Business Plan, below is how the procurement function would apply this practically. Individual ways to achieve this is detailed within the delivery aims of the policy.



- Wiltshire Council’s vision is to create strong communities. Social Value is how we, the council, in collaboration with our supply chain partners, can actively add benefits to our community and measure the positive impacts on the well-being of our economic, social and environmental activities, in order for the county of Wiltshire to thrive and prosper.
- This Socially Responsible Procurement Policy sets out the overarching framework for the delivery of the policy, taking into consideration the wider associated legislative and policy driven requirements and importantly, delivery of the Council’s own commitments set out in the Business Plan Principles 2022 – 2032.

Background

- The Public Services (Social Value) Act 2012, an Act requiring public authorities to have regard to economic, social, and environmental well-being in connection with public services contracts, came into force on 31 January 2013. Since its introduction, consideration to the Act has been embedded in our procurement and commissioning processes at Wiltshire Council. The introduction of this policy enables the Council to adopt a formal approach to social value and provide an overarching framework to ensure a joined up consistent approach to the delivery of socially responsible procurement.

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11. By delivering this Socially Responsible Procurement Policy, Wiltshire Council intends to meet its requirements of the Public Services (Social Value) Act 2012 and the National Procurement Policy Statement by setting out Wiltshire Council's overarching framework for the delivery of the policy, taking into consideration the wider associated legislative and policy driven requirements and, importantly, delivery of the Council's own commitments set out in the Business Plan Principles 2022 – 2032.

12. It is a statutory requirement for Local Authorities to consider social value in their procurement processes on how what is proposed to be procured might improve the economic, social, and environmental well-being of the relevant area, and how, in conducting the process of procurement, it might act with a view to securing that improvement. The introduction of this Policy sets out how the Council seeking to achieve this.

13. Social value is defined as 'the additional benefit to the community from a commissioning / procurement process over and above the direct purchasing of goods, services and outcomes.' Its focus is on how we secure wider benefits to society as well as financial value from our contracts.

14. Social value focuses on maximising the value of public expenditure through appropriate consideration of wider societal impacts such as social, economic and/or environmental benefits.

15. The National Procurement Policy Statement June 2021 (which applies to all government agencies) states that the Council should have due regard to the following national priorities in respect of Social Value:

- creating new businesses, new jobs and new skills
- tackling climate change and reducing waste
- improving supplier diversity, innovation, and resilience

Main Considerations for the Council

16. The introduction of a Socially Responsible Procurement Policy will mean that Wiltshire Council will meet its statutory obligation in line with the Public Services (Social Value) Act 2012.

17. The Wiltshire policy in Appendix 1 outlines the National Priorities in Social Value as set out by central Government and draws upon the Wiltshire Council Business Plan to outline the local priorities in terms of Social Value and considers the procurement priorities for Social Value.

18. The policy outlines the key outcomes for the Council as well as the community and addresses how these outcomes can be delivered and measured.

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Overview and Scrutiny Engagement

19. The report and Policy will be considered by the Overview and Scrutiny Management Committee on 15 November 2022 and the Committee's comments will be reported to Cabinet.

Safeguarding Implications

20. The policy considers objectives around safeguarding and promotion of the rights of children, young people, vulnerable adults, and care leavers and to practice ethical procurement.

21. The policy considers early interventions and preventative measures.

22. The policy aims to:

- Undertake initiatives to tackle modern slavery, human rights abuses, block listing, false self-employment, unfair use of umbrella schemes and zero hours contracts
- Encourage contractors to promote and sponsor opportunities for vulnerable children, care leavers and adults who are in need of care and support
- Support the provision of safeguarding advice and guidance and take preventative measures/early intervention into consideration for the vulnerable
- Ensure contractors are able to identify abuse or exploitation and take responsibility for reporting concerns in an appropriate and timely way
- Ensure that all suppliers that the Council purchases for its service users must have the necessary safeguarding policies, procedures and training in place and, where required, be registered with the appropriate registration body
- Help to support the health and well-being of communities in which the business operates by, for example, linking with local schools and colleges, other local businesses, and residents' groups to help run or sponsor activities / events, which will directly benefit those living there
- Encourage our suppliers to make a local impact by supporting initiatives to improve local facilities and to operate paid staff volunteering schemes to support local community groups and initiatives
- Make opportunities (both directly from the Council and through our contractors) accessible to a diverse supply base including the third sector, social enterprises, and local suppliers. Also provide mentoring and support to assist these organisations to tender for and deliver these supply opportunities where necessary
- Promote diversity, inclusion, equality, and fairness targeting effort towards those in greatest disadvantage and tackle deprivation across the county (and that the diversity is representative of our community)

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Public Health Implications

23. The policy considers local training and employment, to create inclusive employment and training opportunities for local people in order to reduce unemployment and raise the skills level of our local workforce, especially in target groups such as the long term unemployed and care leavers.
24. The policy considers Partners in the Community and demonstrates how we want to play an active role in local community and voluntary organisations, especially in those areas and communities with the greatest need.
25. The policy sets out a Wiltshire First approach, to take account of the social and economic impacts of buying locally when commissioning and contracting and want our suppliers and contractors to do the same.
26. The policy also focuses on ethical procurement and well-being so together with the support of entire community including local businesses, to safeguard and promote the rights of children, young people and vulnerable adults and to practice ethical procurement.

Procurement Implications

27. The policy aligns with the 12 commercial drivers which the Procurement Strategy has set out to deliver.
28. The Commercial & Procurement team will be responsible for the implementation of the policy through the Commercial Board, which in turn will oversee the delivery of the Socially Responsible Procurement Policy.
29. The Commercial & Procurement team will, within 6 months of the adoption of the policy, develop and maintain a Social Responsibility Toolkit to support both suppliers and commissioners to maximise the delivery of social value.
30. Once the Social Responsibility Toolkit has been developed, the Commercial & Procurement team will publicise and raise awareness of the Council's social responsibility objectives to ensure that suppliers and contractors are clear about what we want them to deliver.
31. In conjunction with the development of the toolkit, the Commercial & Procurement team will develop and implement a Socially Responsible Procurement Delivery Plan for inclusion in tender documents so that suppliers, providers, and contractors can set out how they will support implementation of the policy.
32. The Procurement and Commissioning team will be responsible for reviewing the Social Value information and submitting regular reports to Commercial Board.
33. The Commercial Board will review the Social Value register on a regular basis, providing challenge, scrutinising contractors' performance where necessary

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and make recommendations to the Chief Executive and Corporate Directors and/or Cabinet as required.

34. The Commercial & Procurement team will be responsible for the development of an annual Social Value Report to Commercial Board, which is chaired by the Corporate Director Resources/Deputy Chief Executive.

Equalities Impact of the Proposal

35. An Equalities Impact assessment has not been undertaken on this proposal. Equality Impact assessments will be undertaken, where necessary, as part of individual agreements and processes. However, it should be noted that the policy does consider the following:
36. This policy focuses on ethical procurement and well-being, together with safeguarding and promoting the rights of children, young people, and vulnerable adults.
37. It promotes diversity, inclusion, equality, and fairness, targeting effort towards those in greatest disadvantage and tackling deprivation.
38. The Commercial & Procurement team aim to undertake initiatives to tackle modern slavery, human rights abuses, block listing, false self-employment, unfair use of umbrella schemes and zero hours contracts
39. The Commercial & Procurement team will encourage contractors to promote and sponsor opportunities for vulnerable children, care leavers and adults who are in need of care and support through procurement activity
40. The policy considers creating inclusive employment and training opportunities for local people in order to reduce unemployment and raise the skills level of our local workforce, especially in target groups such as long term unemployed and care leavers of Wiltshire
41. The policy is designed to help to support the health and well-being of communities in which the business operates by, for example, linking with local schools and colleges, other local businesses, and residents' groups to help run or sponsor activities / events, which will directly benefit those living there
42. The policy encourages our suppliers to make a local impact by supporting initiatives to improve local facilities and by encouraging them to operate paid staff volunteering schemes to support local community groups and initiatives.
43. The Commercial & Procurement Team will continue to make opportunities accessible to a diverse supply base including the third sector, social enterprises, and local suppliers. It will also provide support and training to assist these organisations to tender for opportunities.
44. The performance of the Socially Responsible Procurement Policy will be monitored by Commercial Board. The Providers will report on Key Performance Indicators and lead contract managers and Commercial &

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Procurement team will be responsible for monitoring and reviewing reports and ensuring any improvement actions are completed by providers.

45. The Commercial and Procurement Team will work with commissioners and suppliers/contractors to identify and implement opportunities for improvements in service delivery for the duration of the contract.

Environmental and Climate Change Considerations

46. One of the five key priorities considers environmental and climate change and sets out how procurement will address these issues.

47. Officers have worked closely to develop and align the priorities of Green Economy & Sustainable Environment to reflect the Council's long-term strategies.

48. The priority sets out how the Council will protect the natural environment, minimise waste, reduce energy consumption, use other resources efficiently and address our impact on the Climate emergence by adopting the following within our approach to our procurement activity:

- Ensure that we follow sustainable procurement policies and processes which will exploit the opportunity to reduce emissions in line with national proprieties in order to reduce our carbon footprint, minimise energy consumption, waste, pollution, production of greenhouse gas emissions and detrimental natural environmental impacts while encouraging others to do likewise
- Seek, in partnership with suppliers and contractors, to minimise any negative natural environmental impacts of goods, services and works purchased across their life cycle from raw material extraction to end of life
- Eliminate unnecessary waste by adopting the "reduce, reuse, recycle" philosophy and supporting circular economy and sharing economy through 'Think before you purchase – do you really need it, could something else be used, or could we hire or borrow it?'
- Introduce an informed assessment tools into our procurement decision making process to increase the Council's delivery of social and natural environmental value by demonstrating achievable co-benefits from the goods and services which we procure

49. Officers will develop and introduce a Procurement Plan for a Sustainable Environment which will form part of the Socially Responsibility Toolkit to support both suppliers and buyers to maximise the delivery of social value.

50. Reporting of this information will form part of the regular monitoring information outlining Social Value delivery progress, to ensure that the supplier/contractor is meeting their social value obligations. The reports will be provided to the Commercial Board on a quarterly basis and be included in the annual Social Value Report.

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51. Work will continue with the Climate team and Environmental team to adapt our procurement processes and policies.

Risks that may arise if the proposed decision and related work is not taken

52. We are at risk of not meeting our statutory obligations, in line with The Public Services (Social Value) Act 2012, if we do not introduce this Socially Responsible Procurement Policy, which acts as an overarching framework setting out how the Council will seek to address our obligations to the Act.

53. Wiltshire Council has a responsibility to manage public money with probity to ensure that value for money is achieved. Social value is defined as 'the additional benefit to the community from a commissioning / procurement process over and above the direct purchasing of goods, services and outcomes.' Failure to have a policy could result in the Council being at risk of not focusing on how it secures wider benefits to society, as well as financial value, from our contracts.

54. The Socially Responsible Procurement Policy focuses on maximising the value of public expenditure through appropriate consideration of wider societal impacts such as, social benefits, economic benefits, and environmental benefits. The Council's Business Plan Principles 2022 – 2032 set an increased focus on the delivery of social, economic, environmental, and cultural well-being, including through the way in which it manages its procurement activity. By not adopting the Policy, we are at risk of not supporting the wider Council objectives.

55. Not having a policy increases the risk of not addressing our Scope 3 carbon emissions within our supply chain.

56. The Commercial & Procurement team are at risk of not delivering on the 12 commercial divers which are set out in the Procurement Strategy.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

57. The Commercial & Procurement team will develop and maintain a Social Responsibility Toolkit to support both suppliers and commissioners to maximise the delivery of social value and to reduce the risk of any misunderstanding how we are approaching Social Value in our procurement activity.

58. The policy will be widely publicised to raise awareness of the Council's social responsibility objectives to eliminate the risk of suppliers and contractors being unclear about what we want them to deliver.

59. The Commercial & Procurement team will develop and implement a Socially Responsible Procurement Delivery Plan for inclusion in tender documents so that suppliers, providers, and contractors can set out how they will support

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implementation of the policy to reduce the risk of misunderstanding and ensuring that the approach is aligned on all of our procurement activity.

60. To eliminate the risk of the policy not being adopted effectively, the Commercial Board will review the Social Value register on a regular basis, providing challenge, scrutinising contractors' performance where necessary and make recommendations to the Chief Executive and Corporate Directors and/or Cabinet as required.

Financial Implications

61. It is very likely that there will be additional cost implications in introducing the Socially Responsible Procurement Policy. The costs and social benefits will need to be assessed as part of each individual tender exercise or other procurement process.

Legal Implications

62. The Public Services (Social Value) Act 2012, an Act to require public authorities to have regard to economic, social, and environmental well-being in connection with public services contracts in its relevant area and to consider when conducting procurement processes how it may secure that improvement where it is proportionate in all the circumstances to do so came into force on 31 January 2013.
63. The Socially Responsible Procurement Policy has been designed to address not only the Council's statutory obligations in line with The Public Services (Social Value) Act 2012, but also the considerations set out within the National Procurement Policy Statement June 2021.
64. Legal advice will be sought on any individual project and Social Value considerations will be incorporated within the specific tender documentation and terms and conditions of business.
65. All procurement activity will be undertaken in accordance with the Constitution and Procurement Law and legal advice will be sought throughout the procurement process.

Workforce Implications

66. This proposal has no direct impact on Council employed staff.

Options Considered

67. A number of options have been considered during the development of the policy:

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68. **Option One** – Create a Social Value Policy which meets minimum requirements of the Public Services (Social Value) Act 2012. This option was discounted as our aim is to go above the minimum standards of the Public Services (Social Value) Act 2012 by setting out Wiltshire Council's overarching framework for the delivery of the initiatives, taking into consideration the wider associated legislative and policy driven requirements and importantly, delivery of the Council's own commitments set out in the Business Plan Principles 2022 – 2032.
69. **Option Two** – Go above the minimum requirements of the Public Services (Social Value) Act 2012 and the National Procurement Policy Statement June 2021 and create a Socially Responsible Procurement Policy which sets out Wiltshire Council's overarching framework for the delivery of the three key initiatives from the National Procurement Policy Statement, taking into consideration the wider associated legislative and policy driven requirements and importantly, delivery of the Council's own commitments set out in the Business Plan Principles 2022 - 2032. Develop and maintain a Social Responsibility Toolkit to support both suppliers and buyers to maximise the delivery of social value and develop and implement a Socially Responsible Procurement Delivery Plan for inclusion in tender documents so that suppliers, providers, and contractors can set out how they will support implementation of the policy. The Policy will ensure that Wiltshire Council maximises the social, economic, environmental, and cultural well-being that it delivers through its procurement activity. This option was selected as the most viable solution to meet our requirements.
70. **Options Three** – Create separate policies for each strand of the requirements under the Public Services (Social Value) Act 2012 and the National Procurement Policy Statement June 2021. This option was discounted as the development of an overarching framework was considered a more practical approach.

Conclusions

71. Wiltshire Council spends over £450m annually on goods, works, services and projects, accounting for over half its running costs. The Council delivers its services directly through its own workforce and through private and third sector organisations. The introduction of a Socially Responsible Procurement Policy can make a significant contribution on how we manage our annual spend with our suppliers and contractors in line with our commitments set out in the Business Plan Principles 2022-2032, to prioritising social, economic, and environmental well-being for the county of Wiltshire.

This report recommends Cabinet agree the following proposals:

- a) To support the introduction and adoption of a Socially Responsible Procurement Policy in our procurement processes.
- b) To endorse the five key priorities identified in the policy, which include:
 - A Wiltshire first approach

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- Local training and employment
 - Partners in the community
 - Green economy and sustainable environment
 - Ethical procurement and well-being focus
- c) Note the proposed governance arrangements within Appendix 1
- d) Endorse that the Director of Procurement, in consultation with the Corporate Director Resources/Deputy Chief Executive, can make appropriate amendments to ensure smooth implementation of the Policy in line with changes in business needs
- e) Agree that the Portfolio Holder for Finance – Commissioning and Procurement acts as the Council's social value champion
- f) Note the development of a Social Responsibility Toolkit to support both suppliers and commissioners to maximise the delivery of social value
- g) Endorse awareness of the Council's social responsibility objectives to ensure that suppliers and contractors are clear about what we want them to deliver
- h) Support the development and implementation of a Socially Responsible Procurement Delivery Plan for inclusion in tender documents so that suppliers, providers, and contractors can set out how they will support implementation of the policy
- i) Endorse the adoption of a social value impact reporting system to measure and evaluate the qualitative and quantitative benefits delivered through procurement activity

Helen Jones (Director - Procurement and Commissioning)

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03 November 2022

Appendices

Appendix 1 – Wiltshire Council's Socially Responsible Procurement Policy

Background Papers

The following documents have been relied on in the preparation of this report:

- The Public Services (Social Value) Act 2012
- National Procurement Policy Statement June 2021