



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**24<sup>TH</sup> MARCH 2020**

**PROCUREMENT POLICY – SOCIAL RESPONSIBILITY**

**REPORT OF THE DIRECTOR OF HUMAN RESOURCES IN DISCUSSION WITH THE RELEVANT PORTFOLIO HOLDER (COUNCILLOR M NORRIS)**

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**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to seek approval of the ‘Procurement Policy – Social Responsibilities’.

**2. RECOMMENDATIONS**

It is recommended that the Cabinet:

- 2.1 Review the Draft Policy and subject to any amendments, approve it;
- 2.2 Agree that the designation of ‘Anti-Slavery Champion’ be attributed to the relevant portfolio holder for the Procurement Service, in accordance with requirements issued by the Welsh Government.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 This Policy is built around three key Welsh Government initiatives of delivering Community Benefits, adopting a voluntary code in respect of ethical employment in our supply chains, and supporting wherever possible local small and medium-sized enterprises (SME’s).
- 3.2 This draft Policy aims to align these three initiatives into one framework, and sets out how the Council will monitor and report delivery.

## 4. **BACKGROUND**

- 4.1. Rhondda Cynon Taf County Borough Council is one of the largest councils in Wales, and plays a significant and leading role in the utilisation of national framework contracts as well as local contractual arrangements. The Council is responsible for ensuring that its business is conducted in accordance with the law, applies high ethical values, that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
- 4.2. In order to maximise the potential wider benefits when contracting with external organisations it is essential that the delivery of community benefits, and support of local SME's are considered as part of the procurement process. In addition, as a publicly funded organisation the Council has a responsibility to ensure that ethical and fair practices are in place throughout the contracted supply chains as far as it practicably can.
- 4.3. The Welsh Government has issued three key initiatives in support of these wider benefits that should be taken into account as part of the procurement process:
- [\*\*Community Benefits\*\*](#) – helps drive the creation of employment and training opportunities including apprenticeships, support for small and medium sized enterprises and delivery of community, educational and environmental initiatives.
  - [\*\*Code of Practice Ethical Employment in Supply Chains\*\*](#) - focuses on influencing a high standard of ethical employment practices by external suppliers, service providers and contractors.
  - [\*\*Opening Doors: the Charter for SME Friendly Procurement\*\*](#) - seeks to create a fair and open environment in which we can all do business together and address issues of particular concern to Small and Medium-sized Enterprises (SMEs).
- 4.4. A Draft Policy has been developed, attached at Appendix A, which provides an overarching framework for the delivery of these initiatives. The aim is to ensure that when undertaking a procurement process, the key themes from each of the Welsh Government initiatives are taken into consideration in order to help influence ethical employment practices and maximise wider beneficial outcomes.

## 5. **EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 There are no equality and diversity implications as a result of the recommendations set out in the report.

## **6. CONSULTATION**

- 6.1. There are no consultation implications as a result of the recommendations set out in the report.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications as a result of the recommendations set out in the report.

## **8. LEGAL IMPLICATIONS**

- 8.1 There are no legal implications as a result of the recommendations set out in the report.

## **9. LINKS TO THE COUNCIL'S CORPORATE PLAN AND THE WELL-BEING OF FUTURE GENERATIONS ACT**

- 9.1 The Draft Policy supports the delivery of the Council's priority is respect of building a strong economy, and helps to support the Council in making the best use of its resources as outlined within the cross-cutting theme of 'living within our means'.
- 9.2 The Well-being of Future Generations (Wales) Act 2015 identifies procurement as one of activities that are common to the corporate governance of public bodies where change needs to happen. The Act acknowledges the value that the procurement process can deliver in respect of procuring in a way that *'achieves value for money on a whole life basis in terms of generation benefits to the organisation, but also to society and the economy, whilst minimising damage to the environment'*.

## **10. CONCLUSION**

- 10.1 The Draft Policy provides an overarching framework for the delivery of the three initiatives issued by the Welsh Government. The aim is to ensure that when undertaking a procurement process, the key themes from each of the Welsh Government initiatives are taken into consideration in order to help influence ethical employment practices throughout our supply chains, and maximise wider beneficial outcomes for the community.
- 10.2 As set out within the Draft Policy, an annual report on progress will be prepared for and presented to the Council's Senior Leadership Team.

**Other Information:-**  
***Relevant Scrutiny Committee***

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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**Background Papers**

None.

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**APPENDIX A: PROCUREMENT POLICY – SOCIAL RESPONSIBILITY**



**RHONDDA CYNON TAF COUNTY BOROUGH  
COUNCIL**

**PROCUREMENT POLICY**

**SOCIAL RESPONSIBILITY**

## 1. INTRODUCTION

- 1.1. Rhondda Cynon Taf County Borough Council is one of the largest councils in Wales, and plays a significant and leading role in the utilisation of national framework contracts as well local contractual arrangements. The Council is responsible for ensuring that its business is conducted in accordance with the law, high ethical values, that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
- 1.2. In order to maximise the potential wider benefits when contracting with external organisations it is essential that the delivery of community benefits, and support of local small and medium-sized enterprises (SME's) are considered as part of the procurement process. In addition, as a publicly funded organisation the Council has responsibility for ensuring that ethical and fair practices are in place throughout contracted supply chains as far as it practicably can.
- 1.3. The framework of this Policy is built around three key Welsh Government initiatives:
  - [Community Benefits](#) – helps drive the creation of employment and training opportunities including apprenticeships, support for small and medium sized enterprises and delivery of community, educational and environmental initiatives.
  - [Code of Practice Ethical Employment in Supply Chains](#) - focuses on influencing a high standard of ethical employment practices by external suppliers, service providers and contractors.
  - [Opening Doors: the Charter for SME Friendly Procurement](#) - seeks to create a fair and open environment in which we can all do business together and address issues of particular concern to SMEs.

## 2. AIM OF THIS POLICY

- 2.1 This Policy provides an overarching framework for the delivery of these initiatives. The aim is to ensure that when undertaking any procurement activity, the key themes from each of the Welsh Government initiatives are taken into consideration in order to influence ethical employment practices and maximise wider beneficial outcomes.

### **3. SUPPORTING THE COUNCIL'S CORPORATE PLAN**

- 3.1 The Council's Corporate Plan 2016 - 2020 sets the overall direction for the Authority describing the vision, purpose and priorities to be delivered.
- 3.2 The Council's agreed Vision, purpose and priorities are:
- Vision - For a County Borough that has high aspirations, is confident and promotes opportunity for all.
  - Purpose - To provide strong community leadership and effective services for the people of Rhondda Cynon Taf to enable them to fulfil their potential and prosper.
  - Priorities:
    - Economy - Building a strong economy;
    - People - Promoting independence and positive lives for everyone; and
    - Place - Creating neighbourhoods where people are proud to live and work.
- 3.3 Underpinning the above priorities is the cross-cutting theme of 'Living Within Our Means' that focusses on robust financial management arrangements to ensure the Council maintains its financial stability and makes the best use of available resources.
- 3.4 The framework within this Policy helps to support the priorities of the Council's Corporate Plan.

### **4. REGULATORY FRAMEWORK**

#### **The Well-being of Future Generations (Wales) Act 2015**

- 4.1. The Act identifies a core set of activities that are common to the corporate governance of public bodies where change needs to happen:
- Corporate Planning;
  - Financial Planning;
  - Workforce Planning;
  - Procurement;
  - Assets;
  - Risk Management; and
  - Performance Management
- 4.2. Section 3 of [the Core Statutory Guidance on the Well-being of Future Generations Act](#) 'where change needs to happen' states that:

## **“Procurement**

58. *The role of procurement will be an important part of how a public body allocates resources under the Act. It is expected that public bodies comply with their existing legal obligations in relation to procurement and that they also apply the Wales Procurement Policy Statement. This policy adopts the Sustainable Procurement Task Force’s definition of sustainable procurement:*

*“...the process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generation benefits to the organisation, but also to society and the economy, whilst minimising damage to the environment”.*

59. *This sets out the procurement practices and the specific actions expected of every public sector organisation in Wales.*

60. *Your approach to procurement could also be an opportunity to encourage other organisations to contribute to the well-being goals”.*

- 4.3. The Act also states that the public body applies “Sustainable Development”, defined in the Act as the process of improving the economic, social, environmental and cultural well-being of Wales. A public body must apply a sustainable development principle meaning that a body “must act in manner that which seeks to ensure the needs of the present are met without compromising the ability of future generations to meet their own needs” in order to show they have applied the principle the public bodies need to apply the following five ways of working:
- **Involving** a diversity of the population in the decisions that affect them;
  - Working with others in a **Collaborative** way to find shared sustainable solutions;
  - Looking to the **Long-term** so that we do not compromise the ability of future generations to meet their-own needs;
  - Taking an **Integrated** approach so that public bodies look at all the well-being goals in deciding on their well-being objectives;
  - Understanding the root causes of issues to **prevent** them from occurring.
- 4.4. The framework in this Policy, is consistent with the five ways of working and also contributes to the seven national Well-being Goals of:
1. *A prosperous Wales – By taking steps to support and develop local business and providing opportunities for residents to secure jobs, experience or training.*
  2. *A More Equal Wales - By taking steps to ensure that all residents have the opportunity benefit from the framework, irrespective of their background or circumstances*

3. Resilient Wales – *By taking steps to ensure that all parts of the Council's supply chains minimise damage to environment including carbon reduction.*
4. A Wales of Cohesive communities – *By taking steps to maximise Community Benefits and increase local SMEs and opportunities for local work further contributing to communities*
5. A Globally responsible Wales – *By taking steps to raise awareness of global issues through contracts, e.g. Fair Trade goods and encouraging the next generation*
6. A Healthier Wales – *By taking steps to ensure that the physical and mental health of employees is integral to employees of supply chain companies*
7. A Wales of Vibrant Culture and Welsh Language – *By taking steps to ensure the contribution of culture and the Welsh Language in is understood and valued and that business development includes a cultural offer*

#### **Public Contracts Regulations 2015**

- 4.5. Public procurement must be carried out in accordance with the Public Contracts Regulations 2015.
- 4.6. This legal framework requires contracting authorities to award certain contracts, whether these are subject to the procurement rules or not, in line with EC Treaty principles, including the principles of non-discrimination, equal treatment, transparency, procedural fairness, mutual recognition and proportionality.
- 4.7. In accordance with the procurement rules, it is therefore necessary to ensure that ethical issues are relevant to the subject matter of the contract and consistent with the Government's procurement policy based on value for money. This excludes public bodies from considering within the procurement process how companies providing the goods and services manage their business generally, beyond relevant legal obligations such as on health and safety and employment.

### **5. WELSH GOVERNMENT INITIATIVES – THE COUNCIL'S FRAMEWORK**

#### **What are Community Benefits?**

- 5.1 The Welsh Government Community Benefits Guidance 'Delivering Maximum Value for the Welsh Pound' provides an overview of the Community Benefits that the public sector should be looking to deliver. The Guidance sets out six broad categories of Community Benefits. This Guidance is supported by the Wales Procurement Policy Statement.
- 5.2 To date Community Benefits have largely been delivered on the Council's construction and building maintenance contracts. This Policy seeks to deliver Community Benefits across all appropriate Council contracts. This will require a

step change in how the Council utilises Community Benefits clauses in its tendering process. It is the role of those planning to consider on a contract-by-contract basis the potential for community benefits to be delivered through the procurement process and the most appropriate way of achieving this.

### **What is Ethical Employment?**

- 5.3 The 'Ethical Employment in Supply Chains' Code of Practice was launched in 2017 by the Welsh Government. It aims to support the development of more ethical supply chains delivering contracts for the Welsh Public sector. All public sector organisations are encouraged to sign up to the Code and businesses in public sector supply chains are encouraged to adopt it. The aim of the Code is to ensure that workers in public sector supply chains are employed ethically and in compliance with both the letter and spirit of UK, EU and international laws. The code has 12 commitments that are designed to eliminate modern slavery and support ethical employment practices.
- 5.4 The Council is committed to ensuring a high standard of ethical trade practices, across its procurement activities. In accordance with this Policy the Council will expect its suppliers, service providers and contractors to observe the policy's provisions and to demonstrate a similar commitment to an ongoing programme of ensuring and, where necessary, improving ethical practices locally and wider.
- 5.5 The Council will proactively work to ensure that all goods, works and services it procures are sourced ethically in terms of both the way the Council procures and in terms of the standards that we expect our suppliers, service providers and contractors to meet.

### **What is the 'Opening Doors Charter'?**

- 5.6 The Charter has been produced through Value Wales, and is part of a programme of actions aimed at delivering a consistent approach to procurement across the public sector in Wales while at the same time addressing issues of particular concern to SMEs.
- 5.7 The Council has taken a number of positive steps to improve support to businesses to supply us with goods, services or works. These include publishing the [Selling to Council](#) guide, continuously modernising our technology, organising and participating in regular 'Meet the Buyer' events and applying the SQulD approach developed by Welsh Government.
- 5.8 Wherever possible and practicable, the Council encourages its main suppliers to provide opportunities for SMEs to deliver elements of appropriate contracts. It is also committed to encourage its main suppliers and SMEs to embrace sustainable development ethos within their organisations.

## **6. A FAIR TRADE COUNTY BOROUGH**

- 6.1. The Council supports the Fair Trade of products and services that meet the fair trade standard, it gained Fair Trade Charter in 2006. The Fair Trade Charter requires the Council to:
- Procure where possible, fairly traded products and services such as tea, bananas, coffee and sugar for sale to the public or for sale in its canteens and vending machines;
  - Promote the use of Fair Trade products in communities.
- 6.2. Suppliers should inform the Council about any concerns they have in applying the above principles. Additionally, they are encouraged to keep written records to demonstrate that their actions are fair and above reproach and, where relevant, report on progress and future planned activity if requested to do so.

## **7. REPORTING & MONITORING**

- 7.1 The Corporate Procurement Service will have responsibility for overseeing the implementation of the requirements contained within this Policy. In doing so, it will prepare an annual report that will be framed around the 3 initiatives put in place by the Welsh Government. The annual report will be prepared for, and presented to the Council's Senior Leadership Team.