

EVIDENCE PACK

Procurement Scrutiny Inquiry

SUMMARY: This is the evidence pack for the Scrutiny Inquiry into Procurement. It includes all of the evidence collected by the scrutiny councillors at meetings, through research and from submissions. The scrutiny councillors will present their conclusions and recommendations in a separate report based on this evidence.

Contents

	Page no.
Introduction and Timetable of Work	41
Procurement Inquiry IIA screening form	43
Procurement Inquiry Call for Evidence and responses received	47
Relevant Legislation, Guidance and other documents used	50
Pre Inquiry Policy Briefing 24 Jun 21	51
Evidence Session 1 – Procurement and Audit 27 July 21	75
Evidence Session 2 – Place Directorate 16 Aug 21	105
Evidence Session 3 – Social Services Directorate 13 Sep 21	120
Evidence Session 4 – Education Directorate and the Corporate Centre 27 Sep 21	160
Evidence Session 5 – Roundtable Meeting with Stakeholders 20 Oct 21	182
Evidence Session 6 – Business Wales, Data, Surveys and Examples of Practice Elsewhere 10 Nov 21	194

Introduction

This pack draws together, in one document, all of the published evidence for the Procurement Scrutiny Inquiry. Over the last 5 months a panel of scrutiny councillors have been looking at the Council's Procurement activity. Specifically they have been looking to answer the following question:

How can the Council ensure it procures locally, ethically and greenly while being cost effect and transparent in its practices?

The inquiry looked at procurement in relation to the provision of council functions. It also considered what the Council does well and what can be improved in this area. This included the following key lines of inquiry:

1. **Legislation/policy including national, local and European influences on our procurement practice:** What legislative and policy framework is used in the Councils procurement processes? How do we ensure transparency, sustainability and good probity in all we do? How will Brexit effect/influence procurement for Swansea?
2. **Positive social/local procurement:** What is our strategy, vision, aims and objectives in this area? How are we doing against those? For example our Social and Community Benefits Policy including Beyond Bricks and Mortar and clauses in contracts. How do we ensure maximum spend in the local economy.
3. **Environmentally and ethical procurement practices:** What is our strategy, vision, aims and objectives in this area? How are we performing against those? For example, how are we considering future generations and our impact on climate change in our procurement practice?
4. **Equalities Duty:** Do we ensure we and those we procure from/with are meeting the general Equalities Duty as specified in the Equality Act 2010 (Public Sector Equality Duty for Wales 2011)
5. **Systems/processes and consistency of approach:** Are there effective and efficient systems/practices/processes in place across the Council to enable effective procurement practice? Are Council Officers consistently applying these practices?
6. **Joint procurement activities and working with others:** Procuring with others, for example, to improve our economies of scale, for example NHS and All Wales Purchasers Forum or similar.
7. **Measuring success:** How does the council measure how it is meeting its aims of, for example: local, environment and ethical practice? How does the council monitor and enforce those requirements when working with others via for example their Service Level Agreements or Contracts?

All of the papers for the inquiry have been published on the Scrutiny web pages. Please direct any enquiries to scrutiny@swansea.gov.uk

The final report for the inquiry, including conclusions and recommendations, is expected to be submitted to Cabinet in April 2021.

Timetable of Work Completed

Date/Venue	Evidence Gathering Activity	
Procurement Pre-Inquiry Scrutiny Working Group 24 Oct 19 and Revisited 24 Jun 21	Overview of subject area with key officers and Lead Cabinet Member for Procurement. <ul style="list-style-type: none"> • Provide an overview of the structure and make-up of the service, the legal frameworks we work under and the key influencers. • Provide the Procurement Strategy for Swansea • Outline Procurement Framework and probity, legislative and policy influences (national, local and Europe) 	
Evidence gathering - Internal		
Session 1 27 Jul 21	Internal Audit	
Session 2 16 Aug 21	Place	Departmental perspectives/procurement activities: <ul style="list-style-type: none"> • Positive social/local procurement activities • Environmental, ethical and sustainable procurement • Case studies • Consistency in following practice/procedures • Monitoring and enforcing SLAs/contract terms • Joint Procurement activities • Specific legislative/policy influences
Session 3 13 Sep 21	Social Services (including commissioning aspects)	
Session 4 27 Sep 21	Education Corporate centre	
Consultation activities - External		
Session 5 20 Oct 21	Talk to others - local businesses and stakeholders – roundtable meeting remotely	
Session 6 10 Nov 21	<ul style="list-style-type: none"> • Speak to Business Wales • Submissions received from call for evidence • Social and local procurement ...look at practice elsewhere including Cardiff and Preston's socially responsible procurement info. • Any useful survey or comparison data readily available 	
Concluding Inquiry		
Meeting 7 24 Nov 21	Findings report and discussion	
Meeting 8 31 Jan 22	Draft Final Report (informal meeting)	
Meeting 9 21 Feb 22	Final Report Agreed by Panel (submitted to Scrutiny Programme Committee on 15 March 2021 and to Cabinet on 21 April 2021)	

Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Scrutiny

Directorate: Legal and Democratic Services

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

The Procurement Scrutiny Inquiry Panel will look at how we procure products and services in Swansea Council, see attached Terms of Reference.

The Panel will at the end of the Inquiry write a report to Cabinet with recommendations for service improvement, Cabinet if they agree the recommendations, will be responsible for taking forward those recommendations (at that time they will complete full IIA)

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

Councillors will speak to relevant departments, stakeholders (providers) through a roundtable meeting, attending stakeholder events and through a call for evidence. The Panel will use the departmental, including the procurement Teams, consultation information provided as part of the piece of work.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
Yes No
- c) Does the initiative apply each of the five ways of working?
Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
Yes No n/a

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/>	Medium risk <input type="checkbox"/>	Low risk x <input type="checkbox"/> Recommendations
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only

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes x No **If yes, please provide details below**

Recommendations only at this stage. When/if recommendations from the Inquiry are accepted by Cabinet this will be established.

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

This is a Scrutiny Inquiry into Procurement, the Inquiry itself will produce recommendations for service improvement based on the Terms of Reference but does not make the decisions. Cabinet, when they receive the recommendations at the end of the Inquiry, will look at each recommendation made and either agree or reject it. The recommendations that are agreed will then be taken forward and a full IIA will be produced accessing their impact and implications.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

No impacts at this stage as not decision making.

The Panel will involve Council Departments, Councillors, providers of services via meetings and the public via Call for Evidence, they will also look at any survey consultation information departments have collected and supplied to the Inquiry.

The Inquiry aligns to the principles of the WFG

No risks identified but this will need to be considered when if recommendations are taken forward by Cabinet.

Cumulative impact will be assessed when recommendations are taken forward by Cabinet.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

Full IIA to be completed after decision made on recommendations resulting from the Inquiry. This will be done by Cabinet.

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Michelle Roberts
Job title: Scrutiny Officer
Date: 29 June 2021
Approval by Head of Service:
Name: Debbie Smith (on behalf of Tracey Meredith)
Position: Deputy Chief Legal Officer
Date: 30 June 2021

Please return the completed form to accesstoservices@swansea.gov.uk

Call for Evidence and Submissions Returned

Call for Evidence: Procurement Scrutiny Inquiry

July 6, 2021 by [Michelle Roberts](#)

The primary focus for the inquiry is to look at Procurement. The key question, therefore, is: *What is Swansea Council doing to ensure it procures locally, ethically and greenly while being cost effective and transparent in its practices?*



Photo credit:

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Reasons for carrying out this piece of work

Councillors chose to carry out this piece of work because they want to

- Ensure that the Council is meeting its duties under any legal requirements
- Ensure Swansea Council procures locally, ethically and greenly while being cost effective and transparent in its practices

To help understand these issues and to answer some of these questions we are inviting written submissions on the following lines of inquiry:

The inquiry will look at procurement in relation to the provision of council functions. It will also consider what the Council does well and what can be improved in this area. This will include:

1. **Legislation/policy including national, local and European influences on our procurement practice:** What legislative and policy framework is used in the Councils procurement processes? How do we ensure transparency, sustainability and good probity in all we do? How will Brexit effect/influence procurement for Swansea?
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and clauses in contracts. How do we ensure maximum spend in the local economy.

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The panel is keen to hear from as many members of the public and organisations as possible.

If you wish to submit evidence you can email us at scrutiny@swansea.gov.uk or you can leave a comment on this blog

Responses received via the Blog:

1. Question received

I am concerned with the lack of provision of housing for the Learning Disabled community. Is the council using the best/ most ethical companies for LD housing? Example – gentleman aged 44 still waiting for supported living within his own community.

[August 10, 2021 at 12:36](#)

Discussed at Panel meeting on 13 September.

Reply from Dave Howes

All of our service providers are charitable or not for profit organisations who are experienced in LD design and development. We actively encourage tender submissions from not for profit organisations and are working with regional partners to develop approaches to commissioning services which promote social value and similar ethical considerations.









We have systems in place for assessing accommodation needs and developing appropriate housing, care and support solutions. We are also developing a regional policy to ensure the support and accommodation needs of young people transitioning from children's services to adults services are anticipated. This will help to achieve more effective future planning. We are currently exploring the possibility of re-shaping

some of our existing specialist adult Learning Disability services so that they can offer care and accommodation to younger people. This may expand the range of accommodation options available.

New opportunities are sometimes dependent on the availability of capital grant funding from Welsh Government as well as property that is suitable for adaptation, or availability of land for new build within the county. In some instances the mix of people within a shared setting is considered integral to the longer term wellbeing of tenants and these considerations can sometimes lead to delays in finding suitable options.

However, we presently manage over 100 properties accommodating over 250 people. Later this year an additional 8 x 1 bedroom flats, and a further 4 beds within a shared house will become available. I am advised by colleagues that this is more than any other LA in Wales.

Relevant legislation, guidance other documents, reports and background information considered

1. Procurement process - model for highlighting risk	  Tender Evaluation Matrix (Lowest Price).: SQ Questions Template.xlsx
2. Evaluation criteria	 Instructions to Tenderers (1).docx
3. Sell2Wales	https://www.sell2wales.gov.wales/search/Search_AuthProfile.aspx?ID=AA0254
4. Procurement Guide for Officers	https://www.swansea.gov.uk/staffnet/media/36359/Procurement-Guide-for-Council-Staff---V3.0/pdf/Procurement_Guide_for_Council_Staff_-_V3.0.pdf
5. Guide for Suppliers	https://www.swansea.gov.uk/sellingtothecouncil
6. Factsheet for Procurement (Education)	https://www.swansea.gov.uk/staffnet/media/18431/Procurement-Guide-for-Schools/doc/Procurement_Guide_for_Schools.docx
7. UK Public Contract Regulations (PCR) 2015.	https://www.legislation.gov.uk/ukxi/2015/102/pdfs/ukxi_20150102_en.pdf
8. Welsh Procurement Policy Statement / Welsh Government Procurement Policy	https://gov.wales/public-sector-procurement Wales Procurement Policy Statement: https://gov.wales/sites/default/files/publications/2021-03/wales-procurement-policy-statement-2021.pdf
9. Welsh Government's Ethical Employment in the Supply Chain Code of Practice	Ethical employment in supply chains: code of practice, guidance and training GOV.WALES  Policy on Ethical employment.pdf
10. Safeguarding Policy for Suppliers	https://www.swansea.gov.uk/staffnet/safeguardingprocurement  Safeguarding Policy for Contractors of the
11. Example or blank Prior Information Notices (PIN)	 PIN.pdf
12. Example or blank Contract Notice (OJEU / Non-OJEU)	  OJEU.pdf Contract notice.pdf
13. Transforming Public Procurement Green Paper	https://www.gov.uk/government/consultations/green-paper-transforming-publicprocurement
14. WRAP – Public Sector Guidance on Sustainable Procurement	https://wrapcymru.org.uk/resources/guide/public-sector-guidance-procurement-sustainable-products