

## Equalities Screening Record Form

Date of Screening: 15-03-2011	Directorate: Corporate Services	Section: Finance - Procurement								
1. Activity to be assessed	<p>Through mini competition under the Eastern Shires Purchasing Organisation (ESPO) framework agreement, to establish a corporate contract for the provision of the Council's temporary agency staff requirements. The ESPO framework agreement will cover following type of temporary agency staff in multiple lots:</p> <p><b>Lot 1 Managed Service Provision for Corporate staff (excluding Education staff)</b>  <i>i.e. for Local Authorities, Police, Fire &amp; Rescue Service and charities (or a collaborative group of such organisations)</i></p> <p><b>Lot 2 Managed Service Provision for Corporate and Education staff</b>  <i>i.e. for Local Authorities who wish to establish a single solution for their organisation as well as their educational establishments</i></p> <p><b>Lot 3 Managed Service Provision for Education staff only</b>  <i>i.e. where a local authority wishes to identify a solution on behalf of their education establishments (independent from their other authority requirements) or where a group of educational establishments seek to access a solution, or where an individual educational establishment seeks to access a solution</i></p>									
2. What is the activity?	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input checked="" type="checkbox"/> Service <input type="checkbox"/> Organisational change									
3. Is it a new or existing activity?	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing									
4. Officer responsible for the screening	Janet Berry									
5. Who are the members of the EIA team?	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Rob Atkins</td> <td style="width: 50%;">Head of Procurement</td> </tr> <tr> <td>Derek Fitz-Gibbon</td> <td>Principal Procurement Officer</td> </tr> <tr> <td>Janet Berry</td> <td>Recruitment Strategy Manager</td> </tr> <tr> <td>Abdul Razaq</td> <td>Senior Procurement Officer</td> </tr> </table>		Rob Atkins	Head of Procurement	Derek Fitz-Gibbon	Principal Procurement Officer	Janet Berry	Recruitment Strategy Manager	Abdul Razaq	Senior Procurement Officer
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6. What is the purpose of the activity?	<p><b>1 BACKGROUND</b></p> <p>1.1 In 2005, Corporate Management Team agreed to the use of a 'master vendor' arrangement with Manpower UK using the framework operated by Hampshire County Council (HCC). Benefits included reduced agency margins, preferential temp to perm terms, robust vetting procedures and aggregated monthly invoicing. The HCC contract expired on 31<sup>st</sup> August 2008.</p> <p>1.2 Interim arrangements are in place to cover the period leading up to the placement of a new framework. Manpower are continuing to provide non sub-contracted (i.e. which Manpower are able to provide from their own resources) staff in accordance with the terms and rates of the old Hampshire County Council framework. With effect from 1 December 2010, for any staff requirements (such as care) which Manpower would have sub-contracted, hiring managers will</p>									

deal directly, on a spot purchasing basis, with the supplying agencies. This interim arrangement meets legal requirements, given that Agency Staff agreements are classified as Part B Services for OJEU purposes.

1.3 The contract was originally the responsibility of Corporate Procurement, however to ensure the establishment of a better defined "Client" function and to facilitate full compliance by hiring managers with the contract, improved contract management and resource and workforce planning, Corporate HR have assumed responsibility for management of the project. A project team with representatives from all main user areas has been established to consider the options and to recommend a preferred solution.

## **2. OPTIONS CONSIDERED**

The following approaches have been considered by the project team:-

### **2.1 Bracknell Specific framework contract(s) with multiple suppliers**

In February 2010 CMT agreed to consider a range of alternative supply models including the use of multiple frameworks issued by the Council. These would be under headings such as administration/support and finance workers, care workers, catering/cleaning, industrial workers, and professional roles. Benefits include direct contact between the hiring manager and the specialist agencies concerned on terms and conditions of contract which are favourable to the Council.

It however requires extensive resources to complete the procurement process and thereafter continuous management of multiple suppliers throughout the contract(s) life. It is anticipated this will lead to operational difficulties which will not offer real value for money, outweighing any expected benefits.

### **2.2 Use Established Framework(s)**

As the advertising/ tendering work has already been completed by the framework owning organisations therefore for the Council this option requires a minimal amount of time to establish the contract. This can either be achieved by direct award (if single provider framework) or through mini competition (if a multiple provider framework). Due to economies of scale such frameworks offer financial as well as operational benefits:

#### **2.2.1 ESPO Neutral Vendor Framework:**

Following preliminary investigations, Corporate Procurement initially identified the above framework as that offering the best solution for Council requirements. ESPO (Eastern Shires Purchasing Organisation) is a local authority purchasing and distribution consortium. Their framework contracts are available for use by all public sector bodies and UK registered Charities within the defined geographical areas.

Unfortunately, there was insufficient time for the Council to join this framework which expired in December

2010. However, ESPO has recently advertised in OJEU and invited tenders to establish new frameworks by April 2011. In view of the potential value of the business, OJEU advertising has been carried out by ESPO as a matter of good practice. The new framework will be known as the Managed Services for Temporary Agency Resources (MSTAR) - ESPO National Framework Agreement.

**2.3 Proposal:**

Having discussed the options, the project team has recommended that Corporate Procurement continue to liaise with ESPO with regard to the agency staff Neutral Vendor part of MSTAR to enable further evaluation to take place. It is understood that further information will be available during the first quarter of 2011.

The ESPO timetable for setting up national (UK-Wide) contracts is as follows:-

OJEU Advertisement:	22 October 2010
Framework Start Date:	01 April 2011
Duration:	3+1 years
Value Range:	£2 – £4 Billion
No of Suppliers:	Multiple (envisaged 36)*

\* This number relates to the full range of services which MSTAR will cover (i.e. both Master and Neutral Vendor frameworks covering a broad range of staff). It is however not clear yet whether the Agency Staff Neutral Vendor framework will be a single or multiple supplier contracts.

Subject therefore to the anticipated benefits being achievable, it is recommended that the Council seek to join the ESPO framework at the earliest opportunity as following investigations, it looks the best suited to Council requirements. This approach has been endorsed by the project team.

**3 SUPPORTING INFORMATION**

3.1 The Council's annual total spend for temporary agency staff is approx £850k per annum, thus the estimated contract value over a four year period will be £3.4m.

Category		Total Spend
Care	<ul style="list-style-type: none"> <li>• Care, etc</li> </ul>	£450,000
Non Care	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Administrative</li> <li>• Cleaning</li> <li>• Catering</li> </ul>	£400,000

		<ul style="list-style-type: none"> <li>Industrial (Transportation &amp; Traffic Management), etc</li> </ul>		
		<b>Total</b>		<b>£850,000</b>
<b>7. Who is the activity designed to benefit/target?</b>		As a result of tendering exercise for lot 1 Service Provision for Corporate staff (excluding Education staff) it anticipated that the contract will offer following to the Council. <ul style="list-style-type: none"> <li>Best value for money</li> <li>Favourable terms of business</li> <li>Comprehensive Management Information</li> <li>Process improvements through innovation</li> <li>Customer satisfaction through robust and objective vetting and selection procedures</li> <li>Compliance with Contract Standing Orders</li> </ul> The corporate contract will meet both care and non-care agency staff requirements, and will be available to the Council for use.		
<b>8. a Racial equality - Is there an impact?</b> What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y		<p>The project team believes that providing the correct procurement steps are taken to ensure the process is clear and transparent, the opportunity for adverse impact is limited, although it is accepted that by their very nature, utilising framework agreements can shift a lot of the requirement to ensure equal opportunity onto the leading body.</p> <p>The established framework agreements by recognised bodies such as ESPO, who are a local authority buying consortium, are a well known and commonly used resource is to ensure that the vetting process includes meeting the equal opportunity requirements.</p> <p>At the time of tender submission it is required that the tenderers shall agree to adhere throughout the contract life with the following requirements:</p> <ul style="list-style-type: none"> <li>The Managed Service Provider (MSP) is required to put in place procedures and processes which provide encouragement and opportunities for Small Medium Enterprises (SME) and minority groups; to include but not be limited to Black and Minority Ethnic owned (BME), women-owned, disability owned and third sector organisations to trade in line with government and local policies. The MSP should, in particular, encourage local SMEs and local minority groups to engage with them to deliver Services to the Customer. Data on the numbers of such organisations (either as a percentage in terms of number of suppliers or as a percentage of spend) in the supply chain and the amount of business transacted will be provided by the Managed Service Provider to the Contract Manager.</li> <li>The Managed Service Provider should aim to support local people, their communities, job centres and organisations. As such a mechanism should be provided to support effective promotion of employment opportunities for local residents and raise understanding of routes to apply for Temporary Agency Worker roles. The Managed Service Provider shall work closely with the Customer to target and actively encourage registration from hard to reach groups such as lone parents, older candidates, women returnees, disabled minority groups</li> </ul>	

			<p>(where appropriate) and those from socially disadvantaged areas. The Managed Service Provider shall ensure that they will actively promote the means by which individuals can register for suitable vacancies. The Managed Service Provider shall provide evidence of the process to the Customer on request. Where required, the Managed Service Provider shall run periodic sessions, either at their premises or other locations throughout the borough to explain the registration process and to encourage participation from all sections of the community. The Managed Service Provider in conjunction with the Customer may also need to consider programmes to increase the capabilities of local Temporary Agency Workers.</p> <ul style="list-style-type: none"> <li>The Managed Service Provider shall ensure that they consider, promote and demonstrate equality and diversity within their own organisation and that they proactively work with Agencies to ensure that they take similar steps with regards to their own organisations and when recruiting and supplying candidates for the Customer</li> </ul> <p>The tenderers are required to provide monthly information reports to the Customers which includes:</p> <ul style="list-style-type: none"> <li>Ethnic profile – The ethnic profile of interim workers assigned to the Customer where applicable / appropriate</li> <li>Disability profile – Volumes of disabled and non-disabled interim workers assigned to the Customer</li> <li>Gender profile – Volumes of male and female Temporary Agency Workers assigned to the Customer</li> <li>Age profile – The age profile of Temporary Agency Workers assigned to the Customer Temporary Agency Workers – a list of Temporary Agency Workers who have been assigned to a specific order, showing: <ul style="list-style-type: none"> <li>Name of worker</li> <li>Geographical profile</li> <li>Religion</li> <li>Sexual orientation</li> </ul> </li> </ul>
<p><b>8. b What evidence do you have to support this?</b> E.g equality monitoring data, consultation results, customer satisfaction information etc.</p>	As above		
<p><b>9. a Gender equality - Is there an impact?</b> What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.</p>	Y		As above
<p><b>9. b What evidence do you have to support this?</b></p>	As above		
<p><b>10. a Disability equality - Is there an impact?</b> What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for</p>	Y		As above

both? If the impact is neutral please give a reason.			
<b>10. b What evidence do you have to support this?</b>	As above		
<b>11. a Age equality - Is there an impact?</b> What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y		As above
<b>11. b What evidence do you have to support this?</b>	As above		
<b>12. a Religion and belief equality - Is there an impact?</b> What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y		As above
<b>12. b What evidence do you have to support this?</b>	As above		
<b>13. a Sexual orientation equality - Is there an impact?</b> What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	Y		As above
<b>13. b What evidence do you have to support this?</b>	As above		
<b>14. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carer's/ex-offenders) and on promoting good community relations.</b>	N/A		
<b>15. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?</b>	N/A		
<b>16. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?</b>	N/A		
<b>17. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?</b>	N		As above
<b>18. What further information or data is required to better understand the impact? Where and how can that information be obtained?</b>	N/A		
<b>19. On the basis of sections 7 – 17 above is a full impact assessment required?</b>		N	As above
<b>20. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.</b>			

Action	Timescale	Person Responsible	Milestone/Success Criteria
Monitor equality information provided by the MSP.	Ongoing	Janet Berry	
<b>21. Which service, business or work plan will these actions be included in?</b>	HR Team Business Plan		
<b>22. Have any current actions to address issues for any of the groups or examples of good practice been identified as part of the screening?</b>	Collection of equality monitoring information for the temporary agency staff.		
<b>23. Chief Officers signature.</b>	Signature: Alan Nash		Date: 14 <sup>th</sup> March 2011
<b>24. Which PMR will this screening be reported in?</b>	Final quarter of 2010-2011		