



Government
Commercial
Function

Public Procurement Review Service Progress Report 2020/21

Trends from 6 April 2020 to 5 April 2021

Contents:

1. Public Procurement Review Service (PPRS) Highlights

2. Background

3. Promoting PPRS

4. Cases Received and Sectors Involved

5. Main Issues Raised

6. Top Issues and Action

7. Case Outcomes

8. Procurement Policy Compliance

9. Service Satisfaction Surveys

10. Forward Look for 2021/22

Annex A - Main trends for Central Government

Annex B - Main trends for Wider Public Sector

1. Public Procurement Review Service (PPRS) Highlights

PPRS sits within the Cabinet Office and allows government suppliers and potential government suppliers to raise concerns anonymously about potentially poor public sector procurement practice. PPRS also accepts cases raised by suppliers concerning the late payment (i.e. not paid within 30 calendar days or any earlier payment date as stated in the contract terms) of valid and undisputed invoices on a public sector contract.

The Progress Report highlights the main trends the service has seen from 6 April 2020 to 5 April 2021. It includes a comparison of procurement issues within the different sectors. It also addresses the outcome of feedback provided from user surveys and has a forward look for the financial year 2021/22.

PPRS received 124 cases in this financial year (117 cases plus seven cases carried forward from the previous year) which represented an 18.8% decrease from 154 cases in 2019/20.

The top 5 reported issues to PPRS this year were:

- 'Payment'
- 'Evaluation'
- 'Use of Frameworks'
- 'Feedback'
- 'Advertisement'

PPRS unblocked £602.9k in late payments in 2020/21 on behalf of suppliers and we continue to maintain a 100% success rate in releasing overdue valid undisputed invoices.

100% of recorded case outcomes measured as 'positive' with a 100% service level achieved.

PPRS also launched a new promotional video¹ on the GCF YouTube channel that has been shared with key stakeholders along with a refreshed Brochure² that outlines our processes and trends and has been used to increase the awareness of the service both internally and externally. The success of the PPRS marketing was demonstrated by us attracting 59 new service users.

In addition to case work and enquiries we have carried out a baseline Spot Check on the pre-introduction of Procurement Policy Note (PPN) 06/20: taking account of social value in the award of central government contracts³. Further detail can be found in Section 8 (Procurement Policy Compliance).

¹<https://www.youtube.com/watch?v=hW28vTlcsxc&feature=youtu.be>

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928769/Public_Procurement_Review_Service_Web.pdf

³<https://www.gov.uk/government/publications/procurement-policy-note-0620-taking-account-of-social-value-in-the-award-of-central-government-contracts>

The publishing of our first quarter case outcomes was delayed due to the Covid-19 pandemic. From August 2020, PPRS continued to publish its results monthly on GOV.UK to highlight best practice and promote awareness of our results through social media⁴.

⁴ <https://www.gov.uk/government/collections/mystery-shopper-results#results>

2. Background

PPRS is one of a range of measures designed to make government easier to work with, helping suppliers (particularly Small and medium-sized enterprises (SMEs) and Voluntary, Community and Social Enterprises (VCSEs)), levelling the playing field for those who want to supply to government.

The service is free and available for any supplier to use. In particular it can help small businesses which feel they might have been treated unfairly during a bid or that they have been dealt with in a way that falls short of the Public Contract Regulations 2015 (PCR 2015) or government policy and to facilitate payment for work completed.

We work with central government departments (CG) and wider public sector (WPS) to help them understand concerns raised and to highlight best practice. Serious or persistent issues are escalated within contracting authorities and can be raised with the SME Crown Representative in addition to our investigations⁵.

In some cases, our work leads to live procurements being adjusted. In other cases, we ensure that lessons are learned, leading to improvements in the way government sources future goods and services and ensuring suppliers are paid. The majority of our cases are summarised and published⁶ naming the contracting authorities whilst businesses that reported the cases remain anonymous.

It should be noted that trends are based on the type of complaint that has been investigated at the closure stage and does not always indicate that an incorrect procurement process has been identified.

Our ongoing Spot Check programme supports the continued commitment to improve commercial capabilities across government and we have been working closely with colleagues in the wider Commercial Policy Team to enhance this programme.

⁵ Martin Traynor OBE was announced as the Small Business Crown Representative in February 2019 to lead on the relationship between government and small businesses, advise Ministers on engagement and identify any barriers they face when working with the government.

⁶ Publication wording is published once agreed with the contracting authority. Where multiple complaints are received simultaneously we publish a joint summary of our findings. In the interest of transparency the supplier has sight of the wording prior to publication.

3. Promoting PPRS

We want to ensure all suppliers and potential suppliers are aware of the service we offer and that we are maximising the various marketing options available to us.

In terms of existing communications, PPRS is advertised online on Contracts Finder⁷ which allows suppliers to search for information about contracts worth over £10,000 with government and its agencies⁸. Contracts Finder published 33,763⁹ award notices in 2020/21. PPRS is also advertised on Find a Tender¹⁰ service, launched 1 January 2021, that allows organisations to search and apply for high value contracts (usually above £118,000) in the UK's public and utilities sectors (3,082 award notices to 5 April 2021). PPRS is also promoted on the new SME Hub¹¹ on GOV.UK that went live on 28 September 2020 and referenced within the commercial playbooks.

PPRS has produced articles for the Federation of Small Businesses (FSB) Bitesize Bulletin, Department for Business, Energy & Industrial Strategy (BEIS) Transition Bulletin and published an article on the CCS website. Further blogs were issued through Martin Traynor, SME Crown Representative.

We launched a new promotional video on the GCF YouTube channel that has been shared with key stakeholders and viewed almost 300 times, along with a refreshed Brochure that outlines our processes and trends. We will continue to promote our marketing material through the SME Panel and Crown Representatives.

The 2019/20 Progress Report was published on 2 October 2020 and a letter was issued from Lord Agnew to seven key Trade Associations on 15 October 2020 to further endorse the work of PPRS.

Owing to the current climate, PPRS has adapted to online marketing and completed 12 webinars reaching over 2,000 delegates to raise awareness of the service and ensure procurement colleagues across government and suppliers, are informed and empowered to promote and use the service. We have recorded an increase in both enquiries and Twitter followers after each webinar and intend to run these sessions quarterly going forward.

We continue to work closely with the Small Business Commissioner, similar services in the Devolved Administrations¹² and the SME Crown Representative to identify trends and share experience of best practices.

⁷ <https://www.gov.uk/contracts-finder>

⁸ <https://www.digitalmarketplace.service.gov.uk/help>

⁹As data provided from Contracts Finder 12/04/21

¹⁰ <https://www.gov.uk/find-tender>

¹¹ <https://www.gov.uk/guidance/small-and-medium-business-hub>

¹² Other services exist in: Northern Ireland - CPD Charter: <https://www.finance-ni.gov.uk/publications/cpd-supplier-charter> / Scotland - Single Point of Enquiry: <http://www.gov.scot/Topics/Government/Procurement/Selling/supplier-enquiries> / Wales - Supplier Feedback Service: <https://gov.wales/topics/improvingservices/bettervfm/supplier-feedback-service/?lang=en>

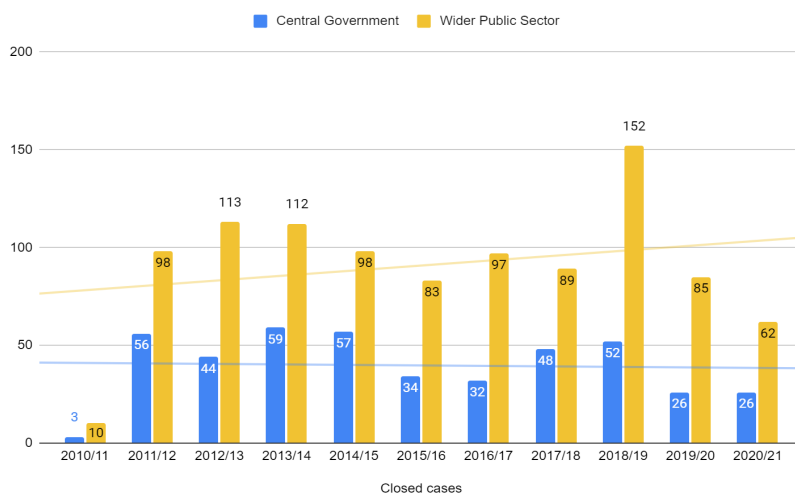
4. Cases Received and Sectors Involved

We welcome enquiries from all suppliers who have concerns about the conduct of a procurement process that they have been part of, or which they wish to participate in. An enquiry must relate to a specific procurement. The issue must have taken place in the last two years and concerns a procurement process run by an in-scope contracting authority as defined by the Public Contract Regulations 2015 (PCR 2015). We also handle cases concerning the late payment (i.e. not paid within 30 calendar days or any earlier payment date as stated in the contract terms) of valid and undisputed invoices on a public sector contract. If the supplier has not followed the correct action, or understood the process, our work would involve providing advice and guidance rather than a recommendation to the contracting authority.

Our scope and remit can be viewed on GOV.UK¹³. 117 new cases were received and a further seven cases were carried forward from the previous year. This report focuses on the trends for the 88 cases handled through to closure. Three cases were carried forward to 2021/22.

Chart 1: Sectors we received concerns about since the service start (closed only):

Although the number of complaints received for CG has remained static at 26 cases, proportionately this represents a slight increase from 23.4% in 2019/20 to 29.5% in 2020/21 although it should be recognised there has also been a decrease in the number of cases received for WPS, to 62 cases (70.5%) in comparison with 85 cases (76.6%) the previous year.



There have been several internal and external factors impacting service users that we consider could have led to the downturn in case numbers this year, these include the Covid-19 pandemic and Brexit planning.

¹³ [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/773861/Public Procurement Review Service Scope and Remit v1.1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/773861/Public_Procurement_Review_Service_Scope_and_ReMIT_v1.1.pdf)

Case enquiries

PPRS continually reviews its processes and identifies areas for improvement. We are tracking enquiries received to understand the volume that does not transpire to a full case. We handled 159 enquiries to 5 April 2021, compared to 149 enquiries handled by the same point the previous year. We have also classified the nature of the enquiry to see if there are any further trends to support our ongoing spot check programme. 101 enquiries were not related to procurement processes and were signposted appropriately. Of the 58 enquiries that did relate to procurement processes, 11 were outside our scope and remit, 28 did not respond to our requests for further information needed to establish a case, six were referred directly to the lead contracting authority and the remainder were answered by PPRS. We will commence a more thorough classification of enquiries in 2021/22 in order to strengthen our Spot Check programme and improve government commercial capability.

5. Main Issues Raised

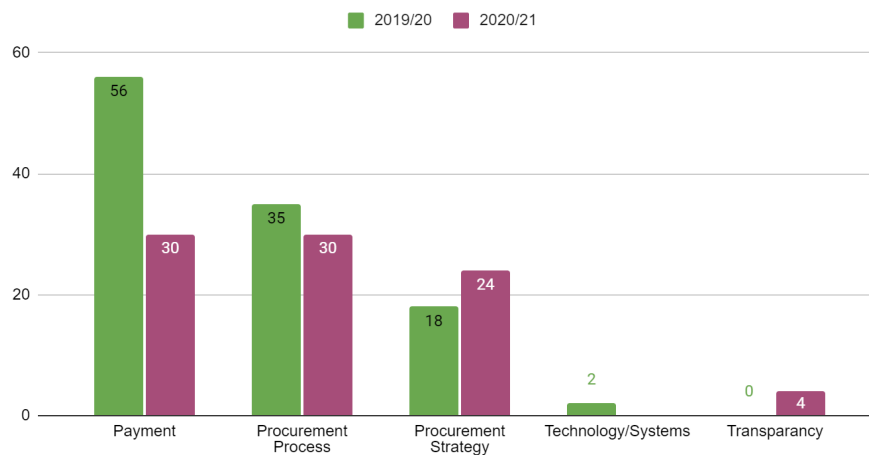
High Level Classification

We classify enquiries by the overarching nature of the issue. The types of concerns we investigate are categorised at the closure stage of the investigation. These fall under 5 categories:

- Procurement Strategy i.e. the approach to achieve what the contracting authority requires from the contract,
- Procurement Process i.e. the process of finding, agreeing terms and acquiring goods, services or works,
- Payment i.e. late payment,
- Transparency i.e. where the process was not clear; and
- Technology/ Systems i.e. broken links or issues with eTendering Portals.

This high level classification enables us to produce and analyse trends around the main issues received.

Chart 2: Types of Issues raised - High Level - 2020/21 comparison against previous year: 'Payment' accounted for approximately a third of all closed cases representing 34.1% of the caseload (30 cases) in 2020/21, this is a significant drop from 'Payment' cases in 2019/20 which represented 50.5% of the caseload (56 cases).



PPRS remind contracting authorities of their obligations under Prompt Payment Policy and the Public Contracts Regulations (2015) 113¹⁴ including PPN 02/20¹⁵ and PPN 04/20¹⁶ that set out information and guidance for public bodies on payment of their suppliers to ensure service continuity during the coronavirus outbreak. These additional PPNs offered supplier relief due to COVID-19 and may correlate with the reduction in 'Payment' cases. Due to the high success rate (100%) of PPRS unblocking payments we have seen some suppliers use the service on a repeat basis. One supplier accounted for 18 of the 30 cases.

¹⁴ <http://www.legislation.gov.uk/ukxi/2015/102/regulation/113/made>

¹⁵ <https://www.gov.uk/government/publications/procurement-policy-note-0220-supplier-relief-due-to-covid-19>

¹⁶ <https://www.gov.uk/government/publications/procurement-policy-note-0420-recovery-and-transition-from-covid-19>

'Procurement Process', although proportionally similar to the previous year, there was a fall in cases from 35 in 2019/20 (31.5%) to 30 cases (34.1%) in 2020/21.

'Procurement Strategy', there was an increase to 24 cases in 2020/21 (27.3%) from 18 cases in 2019/20 (16%).

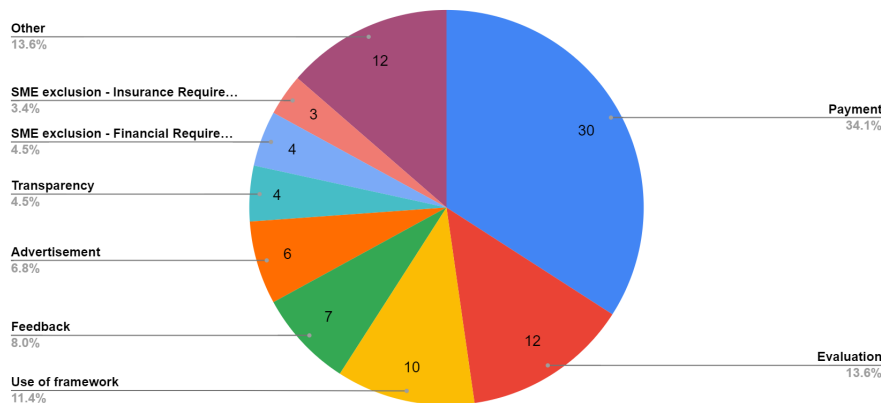
Four cases (4.5%) were classified as 'Transparency' in 2020/21 compared to zero cases the previous year.

There were zero cases classified as 'Technology/ Systems' compared to two cases (2.0%) in 2019/20.

Sub Level Classification

Closed cases are further classified to provide a more granular level of detail to enable us to identify and analyse trends. Within this report we have grouped issues where two or fewer cases have been received as 'Other'.

Chart 3: Types of Issues raised - Sub Level 2020/21



As shown and reflected previously in Chart 2, late payment accounted for just over a third (34.1%) of all issues reported to PPRS this year compared to half (56 cases (50.5%)) of all cases the previous year.

The next highest sub-issues are classified as follows:

- 'Evaluation' at 12 cases, 13.6%, with two complaints upheld.
- 'Use of Frameworks' 10 cases, 11.4%, no complaints upheld.
- 'Feedback' seven cases, 8.0% with five complaints upheld.
- 'Advertisement' six cases, 6.8%, with two complaints upheld.

The concerns recorded under 'Other' include: 'Timescales', requirements for 'Accreditation', where 'Equivalents' were not allowed, 'Clarification' not managed correctly and areas where specifically SMEs felt excluded through either 'Advertisement' or 'Previous Experience' required.

6. Top Issues and Action

The top 5 areas of complaints received for contracting authorities are outlined in the table below. Upheld represents cases where we have made recommendations for change in the contracting authorities' process and provided signposting to published guidance. Not upheld refers to cases where the contracting authority has followed the correct procedure and we were able to educate suppliers.

MAIN TRENDS		
Issue	Context	Action
<p>'Payment'</p> <p>30 cases</p> <p>CG - one case WPS - 29 cases (all payment complaints are upheld at the point where the supplier receives payment)</p>	<p>All of the cases concerned non payment of valid and undisputed invoices.</p> <p>Where public sector invoices are not paid within 30 days and are not disputed, interest becomes liable as set out in the Late Payment of Commercial Debts (Interest) Act 1998. In addition, under the PCR 2015, public sector buyers must publish the amount of interest paid to suppliers due to late payment. Payment policy Public Contracts Regulations (2015) 113.</p> <p>https://www.gov.uk/guidance/prompt-payment-policy</p>	<p>We unblocked £602.9k in late payments on behalf of suppliers.</p> <p>We remind contracting authorities of their obligations under the Public Contracts Regulations (2015)¹⁷ including PPN 02/20¹⁸ and PPN 04/20¹⁹ that sets out information and guidance for public bodies on payment of their suppliers to ensure service continuity during the coronavirus outbreak.</p> <p>29 of the 30 closed 'Payment' cases related to NHS Trusts. We are working with NHS England and Improvement through regular Best Practice meetings to help both Trusts and suppliers in improving their processes to ensure prompt payment compliance.</p>

¹⁷ <http://www.legislation.gov.uk/ukxi/2015/102/regulation/113/made>

¹⁸ <https://www.gov.uk/government/publications/procurement-policy-note-0220-supplier-relief-due-to-covid-19>

¹⁹ <https://www.gov.uk/government/publications/procurement-policy-note-0420-recovery-and-transition-from-covid-19>

<p>'Evaluation'</p> <p>12 cases CG - three cases (none upheld) WPS - nine cases (two upheld)</p>	<p>Concerns were raised on how the evaluation process was run, including the evaluation criteria and potential conflicts of interest within the evaluation panel.</p>	<p>Where complaints were upheld, PPRS recommended that contracting authorities provide clear guidance on the way in which answers will be evaluated, to ensure all opportunities meet the Public Contracts Regulations 2015 section 18, Principles of Procurement²⁰.</p> <p>Cases where complaints were not upheld fell into two categories: 1) the contracting authority provided their conflict of interest policy which was followed to ensure an open, fair and transparent procurement process, 2) the contracting authorities were also able to provide evidence where complainants had not answered mandatory elements of the requirement and PPRS advised suppliers to carefully review tender documentation, specifically the 'how to bid' information and signposted both suppliers and contracting authorities to the evaluation guidance available on GOV.UK²¹.</p>
<p>'Use of Framework'</p> <p>Ten cases CG - seven cases (none upheld) WPS - three cases (none upheld)</p>	<p>The majority of cases were attributable to CCS agreements, particularly the Digital Marketplace, where PPRS is advertised as a source of help.</p> <p>Suppliers expressed concerns over the use of Direct Award as well as the rationale in choosing the most appropriate agreement.</p>	<p>PPRS worked with CCS on all cases concerning their agreements, and no complaints were upheld as there are currently a number of compliant routes to market. The choice depends on which route individual buyers feel is most appropriate to them and CCS agreements do permit Direct Award in certain circumstances and authorities were able to evidence the criteria had been met.</p>

²⁰ <https://www.legislation.gov.uk/uksi/2015/102/regulation/18/made#:~:text=18..or%20of%20artificially%20narrowing%20competition>

²¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891150/Bid_Evaluation_-_Guidance_Note_-_June_2020.pdf

<p>'Feedback'</p> <p>Seven cases CG - four cases (three upheld) WPS - three cases (two upheld)</p>	<p>Complaints were attributable to either a lack of detailed feedback, or no feedback at all being received, preventing suppliers from understanding what led to their elimination in a competition.</p>	<p>PPRS referred authorities to Regulation 55²² regarding debriefing obligations on contracting authorities and in the main found authorities to be in line with the minimum requirements of information to be supplied to candidates and tenderers.</p> <p>Contracting authorities must notify and provide feedback to unsuccessful and successful suppliers at both shortlisting stages and after evaluation. Suppliers can request detailed feedback, but it is at the discretion of the buyer whether they supply a more detailed response.</p> <p>PPRS encourages buyers to give detailed feedback to all bidders. Suppliers benefit from detailed feedback as this helps them learn for future bids. Detailed feedback can improve the quality of bids put forward and lead to more standardised submissions.</p>
<p>'Advertisement'</p> <p>Six cases CG - one case (not upheld) WPS - five cases (two upheld)</p>	<p>The majority of cases concerned timeframes, the process used to advertise and a perception that advertisements had been written to favour the incumbent provider.</p>	<p>Where errors or omissions were identified, the contracting authority amended the advertisement.</p> <p>Where there was a specific requirement for a product/service and no alternative would have met the solution, we confirmed to suppliers that this formed part of a departmental strategy.</p> <p>Where complaints were not upheld there had been a misunderstanding of timeframes.</p>

²² <http://pcr2015.uk/regulations/regulation-55-informing-candidates-and-tenderers/>

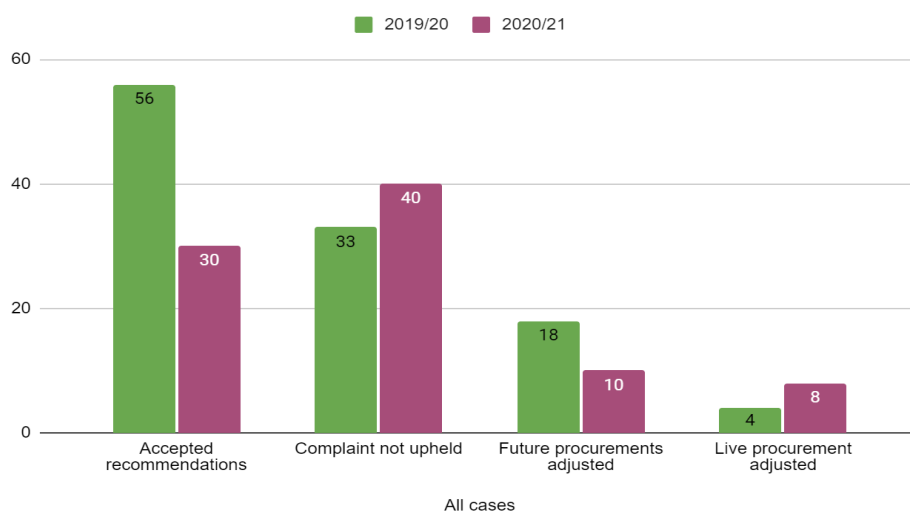
7. Case Outcomes

We make recommendations to the contracting authority on how to remedy the specific problem raised. If we consider that the issues raised might have wider applicability to general public procurement practice, we work with policy colleagues in the Cabinet Office to issue general guidance to all public bodies, for example through a PPN. This year, the majority of cases have seen us direct people to existing guidance rather than driving new policy.

Serious or persistent issues are escalated within contracting authorities and can be raised with the SME Crown Representative in addition to our investigations.

100% of outcomes were considered to be positive, our recommendations were accepted²³, and areas to improve future procurement practice were identified and agreed. Working at pace resulted in changes being made to eight live procurements. We handled 40 cases where the correct procedure had been followed by the contracting authority and were able to offer advice to the supplier to help them understand what had happened and why, this represented an increase from 33 cases the previous year.

Chart 4: Outcome of closed cases - 2020/21 comparison against previous year



Collapsed and rejected cases

Out of 124 cases received, 33 cases were either rejected (25 cases) or collapsed (eight cases) compared to 44 cases (26 cases rejected, 18 cases collapsed) in the previous year. Cases are rejected if new evidence is identified that the complaint raised falls outside our scope and remit, we collapse cases if we lose contact with a supplier, they request to withdraw from the service, or they request to work directly with the contracting authority. This year we changed our triage process asking more questions at the start of the process to improve customer service.

²³ All 'Payment' cases are classified as 'Accepted Recommendations' at the point of closure.

8. Procurement Policy Compliance

We support improving government commercial capability by undertaking various compliance checks.

Follow Up Cases

We follow up on actions that contracting authorities have agreed to take in response to recommendations we have made during the course of our past investigations.

In 2020/21 we followed up on four cases confirming that our recommendations were implemented. The previous year we followed up on five cases. The number of cases requiring a follow up has decreased in line with the number of complaints not being upheld and the number of live procurements we have been able to influence in real time.

Spot Checks

PPN 09/15²⁴ announced that Public Procurement Review Service (PPRS) will be conducting Spot Checks on public sector procurements. Our Spot Check programme allows us to test adherence to the Public Contract Regulations 2015 in areas where we see the highest number of complaints and supports the continued commitment to transparency across government.

In understanding what the underlying causes are related to the main trends highlighted from the last financial year, we can seek to establish if the issues are systemic and where we can make recommendations to ensure the issues are addressed and not repeated. All areas identified last financial year were not possible to Spot Check as they did not present a significant trend, therefore we adapted our approach to focus on policy implementation.

Brief details of this Spot Check and our findings is included below:

Social Value

PPRS undertook a baseline Spot Check exercise on social value inclusion in contracts. Procurement Policy Note – Taking Account of Social Value in the Award of Central Government Contracts Action Note PPN 06/20²⁵ was published in September 2020 and launched a new model to deliver social value through the government's commercial activities in January 2021.

Central government organisations should use this model to take account of the additional social benefits that can be achieved in the delivery of its contracts, using policy outcomes aligned with the government's priorities.

PPRS conducted an initial baseline check to PPRS conducted an initial baseline check in December 2020 on data from 1 April 2020 to 30 September 2020 to question and understand the current situation on the usage of Social Value prior to an extensive up-skill exercise. Of the

²⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431540/ppn-mystery-shopper.pdf
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278145/PPN_0214 - Extension of the Mystery Shopper Service.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278145/PPN_0214_-_Extension_of_the_Mystery_Shopper_Service.pdf)

²⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921437/PPN-06_20-Taking-Account-of-Social-Value-in-the-Award-of-Central-Government-Contracts.pdf

37 opportunities sampled, 14 had elements of Social Value included. A second Spot Check will be carried out in 2021/22 to understand if departments are applying Social Value consistently as per PPN 06/20 post implementation (1 January 2021).

9. Service Satisfaction Surveys

We aim to handle CG cases within 60 days and WPS cases within 90 days. In 2020/21 100% of cases were managed through to conclusion within this service level agreement (SLA), this is an improvement from 99% the previous year where one case did not meet the SLA as it was complex and required more time to resolve with more stakeholder liaison.

Feedback surveys are sent to suppliers and contracting authorities following case closure. Feedback from suppliers has shown that we have a positive impact on public sector procurement by recommending changes in contracting authorities' procurement activities.

In 2019 we saw the number of surveys had decreased. In 2020 we revised our questionnaire and we now issue the survey directly from the PPRS mailbox. Owing to the change in process we have not provided a comparison with last year's results.

Supplier Feedback

A total of 58 surveys have been sent to suppliers. We had 19 responses, giving a 32.8% response rate.

- Three quarters agreed it was easy to find information on PPRS.
- All bar two suppliers agreed that the process and outcome was explained to them. Having checked the triage process, PPRS can confirm that those suppliers did receive an explanation of our processes.
- The majority would use the service again and would recommend PPRS to others.

Contracting Authority Feedback

A total of 49 surveys have been sent to contracting authorities that have been contacted by PPRS and we have received 12 responses giving a response rate of 24.5%.

- All agreed the process and case outcome was explained to them.
- Two thirds agreed that they found the advice and recommendations provided useful.
- All bar one agreed PPRS is a helpful route to question procurement practice.
- Less than a quarter of contracting authorities we surveyed actively inform suppliers of the service. We will address this in the coming year through engagement with the SME Champions, Commercial Directors and through our Marketing Plan to also target contracting authorities.

Actions in response to Feedback

We rely on the surveys to give us information to help improve the service we provide going forward. We received a lot of positive feedback from both suppliers and contracting authorities, some of the comments include:

- *“Very polite, rapid and positive response but I have always found this with PPRS”*
- *“The advice helped us to deal with issues as early as possible and satisfy customers.”*
- *“Thanks so much for the prompt and helpful response, and for all you have done to assist in the matter.”*
- *“Good to hear that you follow up on cases, that’s really great to hear. I can confirm that our intent to award templates were reviewed and improved as were our checklists for sign off, as well as further training and instruction to the team to ensure compliance.”*
- *“Very prompt response commensurate with the urgency of the request.”*

In terms of making improvements to the service we have taken on the constructive feedback received below:

You Said	We Did
<i>“The outcome has yet to be published and is taking slightly longer than expected”</i>	PPRS was required to move to quarterly publication owing to the Covid-19 pandemic. From September 2020 we reverted to monthly publication tables on GOV.UK.
<i>“I would appreciate it if PPRS took time to investigate suppliers who make complaints.”</i>	As part of our case triage process, we ask the supplier to confirm that they are a supplier, or a potential supplier, to the procurement they are raising concerns about. If a supplier, or their complaint falls outside the Scope & Remit ²⁶ we handle this as an enquiry.
<i>“All this service provides is investigation capability, which leads to no accountability at all.”</i>	The dissatisfaction of the service users was based on the PPRS service not being able to enforce recommendations on a contracting authority, this feedback has been fed into the green paper ‘Transforming Public Procurement’.

²⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878572/Public-Procurement-Review-Service-Scope-and-Remit.pdf

10. Forward Look for 2021/22

The service is continually evolving to reflect Government's policy aims in procurement. Cases vary and can range from the structure of the procurement to the tender process and late payment of suppliers and we will adapt the service outputs in line with trends and issues.

Our focus for 2021/22 will fall in 10 main areas:

- We will continue to market our services and run quarterly webinars, to ensure suppliers are aware of the support available, in line with policy and customer needs and work with the GCF Communication Team, SME Panel and SME Champions to ensure we identify the best route to market our services to suppliers and put plans in place to deliver.
- We will actively support the Small Business Crown Representative in liaising with SMEs when working with the government.
- We will work closely with the Small Business Commissioner²⁷ and other small business support teams and similar services operating within the Devolved Administrations to assist in signposting and sharing best practice in areas outside our scope.
- We will continue to work with stakeholders to improve our services and raise awareness of the trends identified from the issues raised and feed into policy development.
- We will continue to work with contracting authorities to ensure that our recommendations are taken forward in future procurements.
- We will continue to work with the Government Commercial Functions Teams to feed in the issues that are raised to improve commercial capability.
- We will base our Spot Check programme on the trends established from the complaints and enquiries we receive or any changes in procurement regulations.
- We will review the way we track enquiries to enable us to build a more comprehensive analysis of concerns raised with PPRS.

²⁷ <https://www.smallbusinesscommissioner.gov.uk/>

Annex A - Main trends for Central Government

Chart 5: Issues investigated with CG - High Level - 2020/21 comparison against previous year

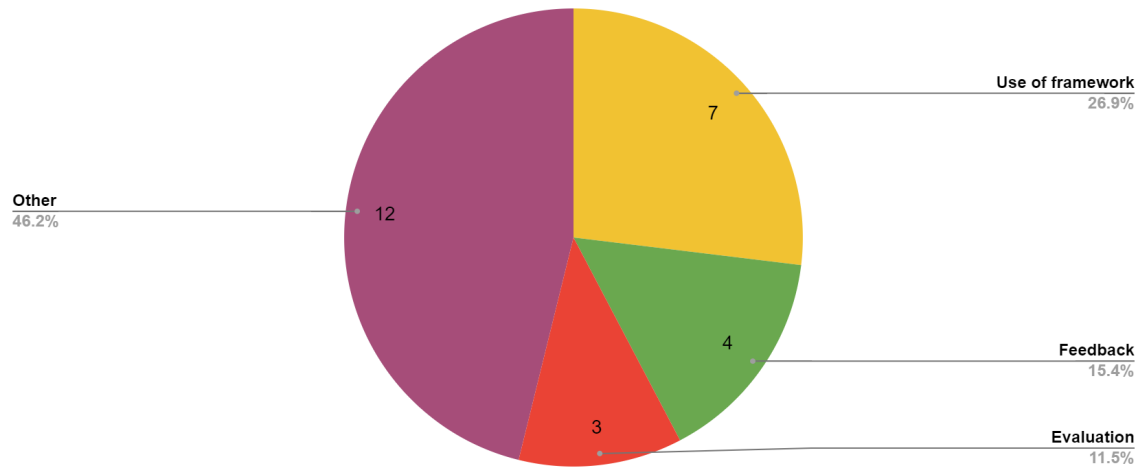


We investigated 26 cases classified as CG, the same as in 2019/20. Cases classified as ‘Procurement Strategy’ almost doubled from seven cases in 2019/20 to 13 in 2020/21, although just two of those complaints were upheld. Cases categorised under ‘Procurement Process’ also continued to be prevalent in this sector again this year, accounting for 38.4% (10 cases) although only half of those complaints were upheld.

The GCF Outsourcing team published the second iteration of the Outsourcing Playbook²⁸ in June 2020 which has been designed to improve how the government works with industry and deliver better public services; the latest version includes a chapter specifically focussing on building and maintaining successful relationships with suppliers. Alongside other central commercial teams, they have worked closely with central government departments to upskill and share best practice throughout the commercial life cycle, which, along with the Covid-19 pandemic and leaving the European Union, could have had a direct effect on the number of central government cases received this year.

²⁸ <https://www.gov.uk/government/news/outsourcing-playbook-published>

Chart 6: Issues investigated with CG - Sub Level



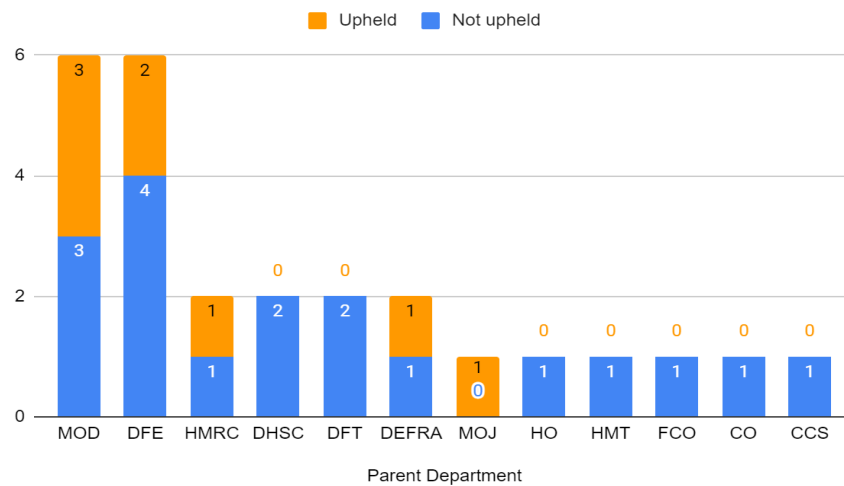
The 'Use of Frameworks' was the highest reported issue for CG. The majority of these complaints related to opportunities procured through the CCS Digital Marketplace and none of the complaints were upheld.

The next highest areas to receive complaints are as follows:

- 'Use of Frameworks' 26.9%, up from 4.3% in 2019/20.
- 'Feedback' 15.4%, no issues reported in 2019/20.
- 'Evaluation' 11.5% down from 15.0% in 2019/20.

The concerns recorded under 'Other' include issues raised regarding; 'Transparency', 'Timescales', 'SME Exclusion - Accreditation' (all with two cases). 'SME Exclusion - Insurance Requirements', 'SME Exclusion - Financial Requirements', 'Previous Experience', 'Payment', 'Equivalents' and 'Advertisement' (all recorded one case).

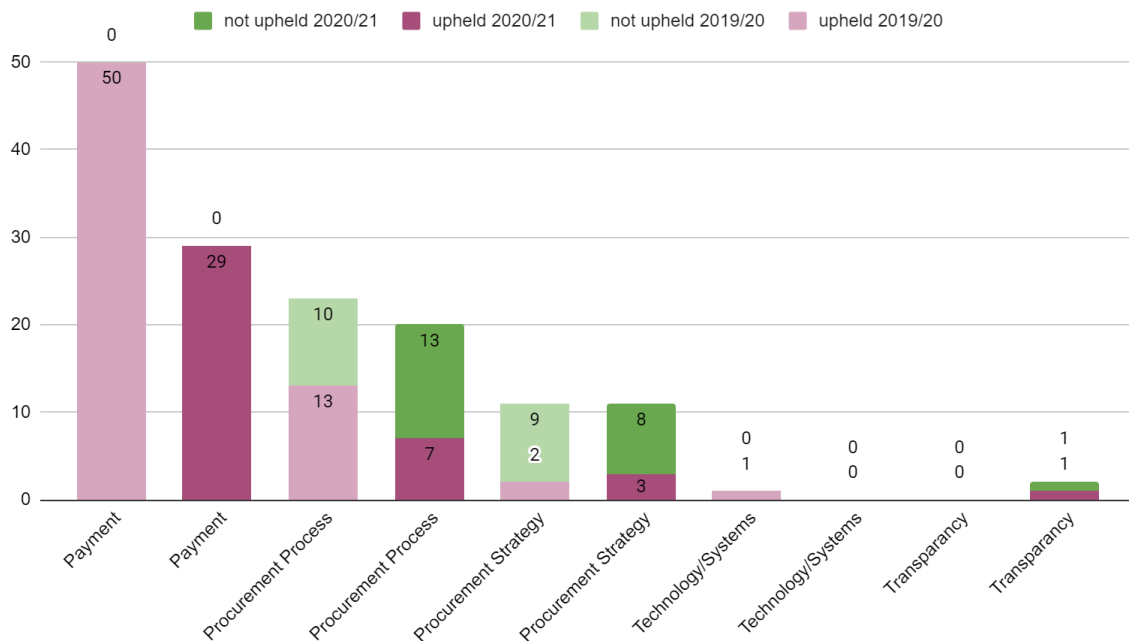
Chart 7: CG department split of cases not upheld and upheld



30.8% (eight cases) of the complaints made on CG cases were upheld in 2020/21 representing a decrease from 46% (12) of the complaints made on CG cases that were upheld in 2019/20. A detailed breakdown of complaints upheld can be seen in Section 6. Top Issues and Action above.

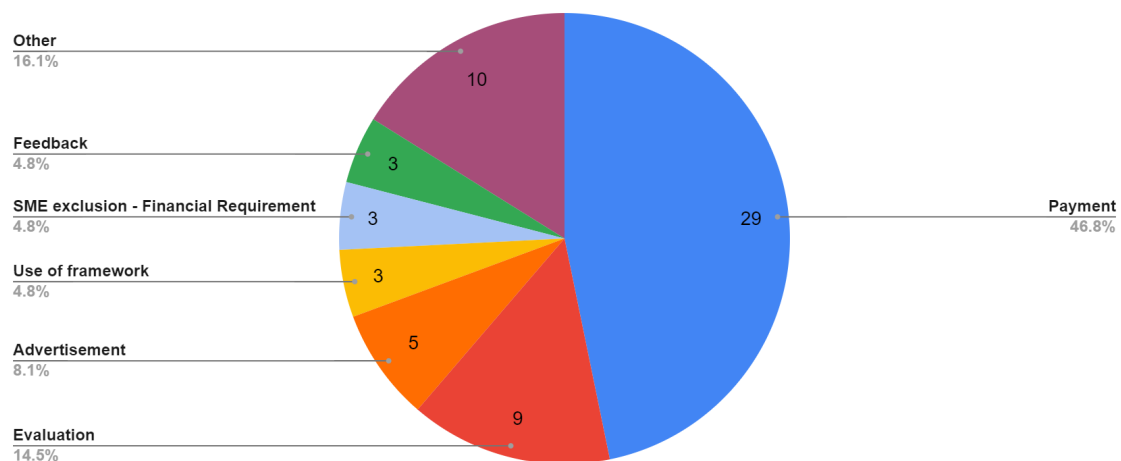
Annex B - Main trends for Wider Public Sector

Chart 8: Issues investigated with the WPS - High Level - 2020/21 comparison against previous year



The WPS continued to account for just over two thirds of cases although the number of complaints received declined from 85 in 2019/20 to 62 this year. Most of the cases continue to be categorised as 'Payment' (29 cases) and related specifically to the NHS concerning the late payment of invoices. It is worth highlighting that there has been a reduction of payment cases and of the 29 NHS cases, over half (18 cases) were received from one supplier. We have engaged with representatives from the Department of Health and Social Care and NHS England & Improvement to raise awareness of the on-going issues within their sector.

Chart 9: Issues investigated with the WPS - Sub Level

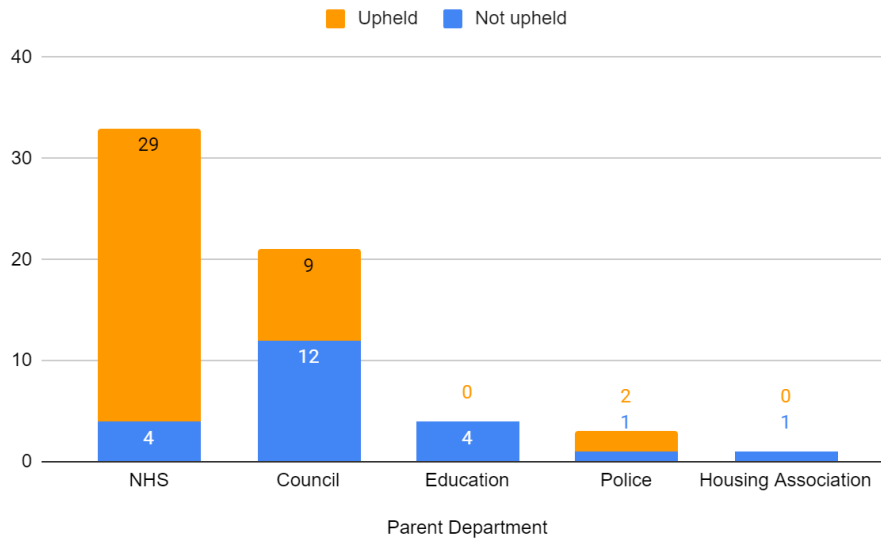


Late payment accounted for just under half (46.8%) of all WPS issues reported to PPRS this year. The next highest areas to receive complaints are as follows:

- 'Evaluation' 14.5% up from 8.6% the previous year.
- 'Advertisement' at 8.1% down from 25.7% in 2019/20.
- 'Use of Frameworks' 4.8%, double the 2.4% reported in 2019/20, aligned with the promotion of PPRS on the CCS Digital Marketplace.
- 'SME Exclusion - Financial Requirements' 4.8%. There were no WPS cases reported in this classification the previous year.
- 'Feedback' 4.8%, up from 1.2% in 2019/20.

The concerns recorded under 'Other' include issues raised with; 'Transparency', 'SME exclusion - Insurance Requirements', 'Clarification' (all with two cases). 'Tender Requirements', 'SME Exclusion - Previous Experience', 'SME Exclusion - Advertisement', 'Equivalentents' (all with one case).

Chart 10: WPS - sector split of cases not upheld and upheld



The majority of WPS complaints were upheld. As these cases mainly relate to late payments the complaint is always upheld once payment has been made. Overall 40 WPS cases (64.5%) were upheld in 2020/21 which represented a decrease of cases compared with 66 WPS cases in 2019/20 where 59.5% were upheld. A detailed breakdown of complaints upheld can be seen in Section 6. Top Issues and Action above.