



**Our ref:** RFI 6598

21 May 2014

## **REQUEST FOR INFORMATION: PUBLIC SERVICES (SOCIAL VALUE) ACT**

Thank you for your email of Monday 19 May 2014 requesting information about the Public Services (Social Value) Act and in particular:

- i. Has your department taken any actions in order to implement the social value act ? (e.g. strategy, guidance, staff training or other). If yes, please detail.
- ii. Do you have any mechanisms in place to monitor how the act is being implemented in individual instances of commissioning ? If yes, please detail.
- iii. Are you able to give any examples of instances of the act being implemented in your department's commissioning process ?

We have handled your request under the Freedom of Information Act 2000 (FOIA).

Core Defra revised its core procurement instruction in January 2013 to reflect the Public Services (Social Value) Act. These instructions apply to all procurements made by Defra's central procurement team and include a checklist:

### **Appendix 9 – Public Services (Social Value) Act 2012 checklist**

The duty to comply with the Act arises at the pre-procurement stage i.e. before any of the following occurs:

- Notice is sent to the OJEU to invite tenders / requests to be selected to tender ect;
- Advert is published seeking offers or expressions of interest;
- Any person is contacted to seek an offer or expression of interest ;
- Any person is contacted in response to an unsolicited offer or expression of interest, or
- A relevant services contract or framework agreement is entered into.

<p>It is important to keep a written record to show you have made the considerations required and the rationale for decisions. For transparency, you may wish to indicate in adverts and tender documents that the requirements of the Act have been considered.</p>	<p><b>Question</b></p>	<p><b>Next steps</b></p>
<p>1. <i>Type of contract</i></p>	<p>Are you putting in place a services contract or framework agreement<sup>1</sup>?</p>	<p>If yes, <i>go to 2</i>. If not, no further action required if the public contract is for goods or works<sup>2</sup> But care required if mixed contract: if value of services element exceeds value of goods or works, then <i>go to 2</i>.</p>
<p>2. <i>Value of contract</i></p>	<p>Is the services contract or framework above the relevant monetary threshold in the Public Contracts Regulations 2006? (Currently<sup>3</sup> £113,057, or £173,934 for Part B services.)</p>	<p>If not, no further action required. If so, then <i>go to 3</i>.</p>
<p>3. <i>Duty to consider</i></p>	<p><b>Consider:</b> a. how what is proposed to be procured might improve the <b>economic, social and environmental well-being</b> of England<sup>4</sup>, b. how, in conducting the process of procurement, Defra might act with a view to <b>securing that improvement</b>, and c. whether to have a <b>consultation</b> on the potential improvements themselves or how they might be secured.</p>	<p>For a. such improvements will be less likely to occur in relation to procurements for back-office services e.g. IT and HR, where services are supplied directly to Defra. For b. consider only matters relevant to what is proposed to be procured and to the extent it is proportionate to do so. For c. consultation will be particularly relevant when considering procurements for services that are delivered directly to citizens. See Cabinet Office Consultation Principles<sup>5</sup>. If an urgent need to arrange the procurement</p>

		<p>makes it impractical to comply with the duty, then it can be disregarded, but only if the urgency is not caused by Defra's undue delay.</p> <p>Then go to 4.</p>
<p>4. <i>Shape procurement</i></p>	<p>Incorporate results of your consideration (and consultation, if held) in shaping the procurement.</p>	<p>The Act does not prescribe how the results of consideration should be incorporated. Examples given are:</p> <ul style="list-style-type: none"> <li>- including user perspectives in developing specifications,</li> <li>- co-commissioning across several public bodies, and</li> <li>- breaking requirements into smaller lots.</li> </ul>

1. Both as defined in the Public Contracts Regulations 2006. The Act does not apply to call-off contracts.
2. But as a matter of good practice you may wish to consider how what is proposed to be procured might improve economic, social and environmental well being in accordance with the Act. The same goes for below-threshold contracts.
3. Will be revised with effect from 1 January 2014.
4. The Act refers to "relevant area" which is the area in which an authority such as Defra primarily exercises its functions.
5. <http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>.

Each procurement strategy includes a statement as to the effect of the Public Services (Social Value) Act and any impact that particular procurement may contain. All procurement staff have been briefed on the Public Services (Social Value) Act at team briefings and through training at specific procurement events.

Core Defra ensured that procurement colleagues in its executive agencies and non-departmental bodies were made aware of the Cabinet Office guidance on the Act, and arranged for our legal advisors to make a presentation on the Act.

In keeping with the spirit and effect of the FOIA, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on [www.gov.uk](http://www.gov.uk) together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

Should you be unhappy with the service that you have received you will find contact details at Annex A.

If you have any queries about this letter, please contact me.

Yours sincerely

**Simon Hewitt**

**Direct Line:** 0207 238 1548

## **Annex A** **Complaints**

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision within 40 working days of the date of this letter. Please write to David Waller, Head of Public Request fro Information Advice Service Team at Area G07, Nobel House, 17 Smith Square London, SW1P 3JR, (email: [requestforinformation@defra.gsi.gov.uk](mailto:requestforinformation@defra.gsi.gov.uk)) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF