

European Social Fund 2007 – 2013 Programme

Specification for England



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ABBREVIATIONS

BET	Basic Employability Training
BSSP	Business Support Simplification Programme
CFO	Co-Financing Organisation
CMF	Contract Management Framework
DDA	Disability Discrimination Act
DWP	Department for Work and Pensions
ESA	Employment Support Allowance
ESF	European Social Fund
EU	European Union
FTET	Full Time Education and Training
HMRC	Her Majesty's Revenue and Customs
HRA	Human Rights Act
IB	Incapacity Benefit
ITT	Invitation to Tender
JCP	Jobcentre Plus
JSA	Jobseeker's Allowance
LEP	Local Employment Partnership(s)
LOT	Longer Occupational Training
LP(s)	Lone Parent(s)
MI	Management Information
NDLP	New Deal for Lone Parents
NI	National Insurance
OFSTED	Office for Standards in Education Department
PDP	Provider Development Plan
SEP	Self Employment Provision
SJFT	Short Job Focused Training
TUPE	Transfer of Undertakings (Protection of Employment)
VAT	Value Added Tax

1. PURPOSE

This generic specification sets out the overarching delivery requirements which apply to all DWP ESF contracts and which are additional to or complement the specific requirements detailed in the specification, for the delivery of the European Social Fund phase 2 in England.

Except for certain mandatory requirements, the specification does not define how delivery is to be provided. It provides a clear and accurate description of the Department for Work and Pensions (DWP) delivery requirements and some ESF specific requirements, whilst enabling providers to offer innovative solutions to meet those requirements as effectively and cost-efficiently as possible.

2. CONTRACT LENGTH

Contracts to deliver this ESF funded provision will initially be for nineteen months, with the exception of ESF Contract Package 12 which will initially be for 30 months.

Dependent on the further allocation of ESF funding in the Regions, there may be potential to extend these contracts for up to 12 months. The funding of any extension (whether during the original contract period or an extended contract period) will be subject to increases up to a maximum of 50% of the original contract value.

3. BACKGROUND

In 2007, a new programming period for ESF began, aiming to respond more effectively to the challenges of the 21st century. For the participants of the ESF, this will mean better jobs and opportunities for all.

Following the revaluation of Sterling against the Euro, money has become available for further ESF provision. Due to the economic downturn it has been decided that this money should be spent on provision for our hardest to help customers (who have been claiming Jobseekers Allowance for more than six months) as well as a range of early entrants as deemed suitable by Jobcentre Plus personal advisors.

The Commercial Employment Provision team has undertaken an exercise with the Prime providers of existing ESF contracts to identify which contracts could be varied to include this client group and therefore getting provision into place quickly.

In some areas this has not been possible and it has become necessary to tender for a number of new contracts to ensure geographical coverage of suitable provision.

4. CO-FINANCING AND MATCH FUNDING

The DWP has agreed to act as a Co-Financing Organisation (CFO) for ESF in England. DWP will manage its CFO arrangements through its Work, Welfare and Equality Group Delivery Directorate, with representation in regions, through Jobcentre Plus. This means that some of the ESF funds in each ESF region will be distributed through DWP's CFO arrangements, in the form of competitive procurement exercises. As a

CFO, DWP's role is to bring together ESF and domestic funding for employment so that ESF complements and adds value to domestic employment programmes. DWP will contract with provider organisations to deliver ESF initiatives in line with the regional ESF Frameworks and DWP's own objectives.

In bringing together domestic and ESF programmes DWP will use selected domestic programmes to meet the ESF requirements for match funding. Match funding is essential to the drawing down of ESF and the providers of programmes used as match funding will also be asked to carry out certain of the responsibilities of an ESF-funded organisation, including support for publicising ESF involvement in the programme. Providers of ESF contracts let under the CFO arrangement do not need to find their own match funding, as was the case under earlier ESF programmes.

5. ESF OBJECTIVES

ESF Priority 1 (Priority 4 in Cornwall and Isles of Scilly) of the England ESF programme for 2007-2013 concerns increasing employment opportunities and its objective is to increase employment and to reduce unemployment and inactivity. It will help to tackle barriers to work faced by people such as:

- people with disabilities and health conditions;
- lone parents and other disadvantaged parents;
- older workers;
- people from ethnic minorities;
- people with low or no qualifications, and
- young people, particularly if not in education or training

The intention is that, by tackling and preventing worklessness, this priority will help to improve social inclusion and social mobility and, by helping unemployed and inactive parents to enter sustainable jobs and make progress at work, help to alleviate child poverty.

These priority groups closely match those identified by DWP for our ESF activity, which are:

- people on Incapacity Benefit especially those with children (reflects Child Poverty Agenda);
- lone parents;
- other people with children;
- most disadvantaged (including ex offenders);
- city strategy activities;
- people with Basic Skills needs; and
- Jobseeker's Allowance customers with children, or who persistently return to benefit.

6. ADDED VALUE

The ESF website (www.ESF.gov.uk) provides good generic background to the aims of the 2007 – 2013 ESF programme. It is an ESF requirement that ESF provision must add value to existing DWP provision and to other provision in the locality, and must not duplicate it. Annex 1 defines current DWP/Jobcentre Plus employment programmes.

ESF provision could complement DWP provision in different ways, for example:

- targeting people who may not otherwise come forward to, or be eligible for, existing provision;
- extending the amount or range of provision available;
- providing additional support in key locations where additional barriers exist for people wanting to return to work;
- providing different or more intensive support to people facing greater barriers, alongside their involvement in the main domestic programme;
- providing specific help to particular disadvantaged people to help them find and keep a job and;
- supporting people after they enter employment, to assist with sustaining and retaining a job;
- providing support to employers through Local Employment Partnerships to complement the help available to them through other DWP provision.

7. THE SERVICE REQUIREMENT

ESF contracts will differ across the English regions, although all working within the overall programme. Details of local delivery requirements are contained in the individual local specifications.

8. PROCUREMENT STRATEGY

Contracts will be awarded to providers who meet all the stipulated criteria and submit the most economically advantageous tender, with a specific focus on identifying suitably experienced organisations who can deliver innovative and flexible support services to eligible customers.

DWP is looking to contract with a Prime Contractor for each local specification. It will be a requirement that the Prime Contractor delivers the entire local specification either directly themselves or through a mix of their own direct delivery and the remainder through sub contractors. Where a Prime Contractor intends to deliver the entire local specification directly, then DWP will need to be satisfied that they have the capacity, expertise and local links in place to ensure that the contract is delivered.

The Prime Contractor must deliver some of the local specification directly. To act as a Managing Agent, where the Prime provider does not deliver any of the provision directly, is not an option."

The Prime provider model can also include a consortium arrangement where one organisation acts as the "lead" on behalf of members of the consortium or a Special Purpose Vehicle (where the Special Purpose Vehicle is the legal entity). DWP will

contract with one legal entity only (which in the case of a consortium will be the lead). The legal entity must be in place at the time of entering into a contract

Prime Contractor Responsibilities - as a minimum, Prime Contractors will be required to:

- deliver the specific local requirement including the starts and outcome targets detailed within each local specification and deliver some or all of the provision directly;
- manage the performance of subcontractors and also make payments to sub contractors in line with DWP requirements as appropriate;
- Ensure that ESF specific compliance requirements are met by both themselves and where appropriate, their sub contractors.

9. TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT REGULATIONS) (TUPE)

Your attention is drawn to the Transfer of Undertakings (Protection of Employment) Regulations 2006, which may apply to the services both at the time of award and in the event of any subsequent re-tendering. The application of TUPE would result in employees from the existing providers, and liabilities relating to them, transferring to the successful tenderer.

DWP will be neither the transferor nor the transferee of staff in the circumstances of any contract award as a result of this competition, and consequently tenderers are solely responsible for taking their own advice on whether TUPE applies and what effect this may have on a tender. DWP will expect all tenderers to comply with their obligations under TUPE. Where TUPE does apply DWP will expect successful tenderers to work co-operatively with other providers to ensure a smooth transition of staff from one provider to another.

10. THE FUNDING MODEL

Providers will compete on price in addition to quality for ESF contracts and the funding model will follow the DWP Standard Funding Model. The key features of the model are:

- **A delivery payment**, which will be paid monthly in arrears. These payments will equate to a fixed percentage of the agreed total contract value, and will pay for the indicative number of customers expected on the programme whilst giving providers some degree of certainty in meeting their fixed costs;
- Payment for the achievement of **Job outcomes**. Payments will be made on a unit price basis, which will be calculated by dividing the remaining percentage of the total contract price by the number of job outcomes agreed. Job outcomes will be defined by a simple definition and on the basis of evidence set out in the contract.
- The standard DWP job outcome definition will be used for ESF. This definition is found on the DWP website under chapter 5 of the provider guidance.

- Tolerances will be applied to the planning assumptions for starts on the provision and they will only affect the delivery payment element of the contract. They will not be applied to the job outcome price, which will remain set throughout the life of the contract. The detail of this will be reflected in the pricing schedules. The effect of applying tolerances will be to initiate a change to the delivery payment in the event that starts go outside predetermined tolerances. It needs to be noted however that there is no guarantee that the delivery payment will be paid at the higher amount should the upper tolerance level be exceeded"
- Tolerance limits will be agreed with providers before contract award and they will be monitored through the normal contract management process during the life of the contract. More detail will be provided at Provider ITT briefing events.
- Although you are asked to complete a table entitled 'Delivery Payment Tolerances' as part of your completion of the Pricing Proposal Documentation, the information you provide in this table will not be used in the evaluation of your bid. Delivery payment tolerances and their application will however be subject to further discussion with the preferred bidder for each specification at the Post Tender Discussion stage of this tender round.
- **NO guarantee** in respect of the number of customers starting on the programme during the term of the contract can be given by DWP. Any levels or values of goods and / or services referred to in specifications are indicative only and shall not be binding on DWP.

11. Financial Viability and Risk Assessment (FVRA)

All organisations contracting with the Department to deliver Welfare to Work Employment Programmes will be required to undergo an FVRA review where the total contract value over the life of the contract exceeds £50k.

DWP Commercial Directorate Finance Support focus specifically on the financial risk associated with Welfare to Work employment programme providers during the procurement process and subsequently, throughout the entire life of the contract. It is envisaged that having a team dedicated to the financial element of potential and existing contracts will enable the development of a closer working relationship with our provider finance communities and subsequently enhance the delivery of future joint working.

As part of the FVRA data request, bidders will be asked to submit copies of their last two years accounts, their current year to date position and year end forecast, details of current direct contracts with DWP and associated revenue, details of subcontracting contracts with prime DWP providers and additional information around the organisations structure, borrowings and creditor terms.

12. FUNDING MODEL RATIOS

Contract ratios may differ depending on the provision being offered and will be detailed in the local specifications. The appropriate ratio will be used to determine the percentage split between the delivery payment element of funding and the job outcome element of funding.

13. VAT

The contract price should be stated exclusive of VAT. Providers who are VAT registered should charge VAT in the normal way. DWP cannot provide advice on VAT and Providers should refer any queries to HMRC or their professional advisors.

14. PAYMENT OF SUB CONTRACTORS

Payment arrangements between Prime Contractors and subcontractors are the responsibility of the Prime Contractor. DWP will not be determining a funding model or a process to manage this. The individual commercial arrangements between Prime Contractor and their sub contractors is a matter for them to agree, but the agreed arrangements must be transparent with full records available for audit purposes. DWP will require Prime Contractors to pay sub contractors within 30 calendar days of receipt of a valid invoice, operating within the Commissioning Strategy Code of Conduct.

15. RECRUITMENT

Referrals to this provision will largely be made by Jobcentre Plus personal advisors. These referrals will match the eligible target groups and client characteristics. However, there is an expectation that providers would market their provision to the relevant areas of Jobcentre Plus.

16. ELIGIBILITY

In all instances it will be the responsibility of the provider to determine eligibility and collate appropriate evidence and record it at the point the customer enters provision. The provider will be required to inform Jobcentre Plus of eligible starts to the programme and notify them when the customer leaves. Retention of evidence to confirm eligibility is essential for ESF purposes and will be an integral part of audit assessments.

DWP CFO provision is provided under Priority One (Priority 4 in Cornwall and Isles of Scilly) - extending employment opportunities. To meet the generic eligibility criteria for Priorities 1 and 4 all participants must be from one of the following groups:

- disadvantaged people who persistently return to Jobseeker's Allowance;
- unemployed and inactive people with disabilities or health conditions
- inactive older workers;
- lone parents, Jobseekers' Allowance recipients with children or disadvantaged parents;
- men and women into occupations or sectors where they are under-represented;
- ethnic minorities and those with basic English language needs;
- offenders and ex offenders.

At the individual contract level you will be required to ensure that every participant meets the specific target or priority group included within the Local Specification. This information will need to be recorded and retained for audit purposes in line with the document retention requirements in paragraph 26. The detailed process around referral

and eligibility is set out in the published ESF-specific provider guidance and is explained fully at the Post Contract Award Briefing (Annex 3 provides an advance summary of this provider guidance).

17. CRITICAL SUCCESS FACTORS

The contribution of ESF provision to the achievement of the Government's objectives depends upon the following critical success factors:

- to manage issues that will help more benefit customers into work. We would expect most participants on this provision to have significant and multiple barriers to work. These participants will need intensive and individually tailored packages of support to move them nearer the workplace.
- Ensure that once in work participants remain in work

Prime Contractor targets will be derived from these critical success factors as appropriate, as defined below.

18. PROVIDER PERFORMANCE TARGETS

As a minimum, the Prime Contractor will be expected to meet the following targets, which will be outlined in the specification:

- the number of starts onto provision;
- the number of leavers into jobs;
- where specification indicates, a specified percentage of jobs which result in a sustained period in work ;and
- any other outcomes as required within the specification.

19. SUCCESSFUL CUSTOMER EXPERIENCE

As part of the eligibility assessment we expect that the Prime Contractor would ensure that the customer receives information about appropriate provision to ensure the customer is choosing provision which they are comfortable with and which will meet their needs. Following this, the Prime Contractor should ensure a positive work focused experience that focuses on moving them towards their job goal and independence. We see customer choice, empowerment, tailored support and an open dialogue between the customer and their Provider as critical to that experience. The Department's evaluation of other DWP Programmes shows that the following help to drive a positive customer experience:

- prompt completion of assessments. Where referred from another provision, liaison with the previous provider may help develop assessments;
- effective, personal relationships between the customer, the adviser and person delivering the provision;
- prompt and seamless service between Jobcentre Plus, Prime Contractors and sub-contractors;

- a personalised action plan that includes a clear job goal and progress steps that optimise the individual's capabilities and address barriers, and regular progress reviews;
- a tailored package of support, chosen by the customer, to meet their individual needs;
- a sustainable job; and,
- in-work support where appropriate.

20. PERFORMANCE MANAGEMENT

Provider delivery will be measured on a range of data. Most of this will be collected through existing DWP systems. However, local specifications may include soft outcomes whereby the provider will need to supply additional information as defined. Information is collected when participants start and leave ESF and covers particular characteristics of each participant and the results achieved. Prime Contractors will be required to provide information on participants as required and must comply with Data Protection Act requirements.

Data collected throughout the lifetime of the contract will enable discussions, covering the effectiveness of the service, the arrangements between DWP and the Prime Contractor as well as informing any contract management activity.

Data will be used to inform evaluation of the programme.

21 REFERRAL AND PAYMENTS SYSTEM

It is anticipated that from October 2009, DWP will be using an electronic provider referral and payment system to replace the current Contracted Employment Provision (CEP) referral and payment process for new programmes. It is envisaged that the new system will replace the existing paper-based process for referring Jobcentre Plus customers and their Jobcentre Plus action plans to contracted employment provision, and enable suppliers to claim their payments electronically through a self billing facility. Should the system not be available from October 2009 an appropriate paper based process will be used until the new system is in place

Suppliers will be required to work with DWP to ensure the integration of their processes and systems with Jobcentre Plus provider referral and payment systems, in line with security standards at the time.

22. CONTRACT MANAGEMENT

ESF projects will be managed and monitored in line with the Department's Contract Management Framework (CMF). This sets out the processes for monitoring contracts using a risk based approach taking into account key elements such as contract compliance (including ESF compliance), performance and quality.

The process includes a post contract award briefing, which takes place up to 30 working days before the contract start date. The purpose of the meeting is to ensure the provider understands what they are required to do and to help the provider to deliver the contract effectively. Subsequently, a quality assessment questionnaire will be completed by the provider to obtain information about the quality of provision they are delivering. It is intended to help the provider identify service gaps and issues/weakness in the quality of provision. Issues will be addressed and reviewed by both the provider and Contract Manager. The questionnaire is scored as part of the risk rating process following provider performance reviews. In addition to the regular review process the Contract Management Framework is in place to ensure that issues can be raised at any time by locally based Jobcentre Plus staff at District level and resolved with the provider and the Contract Manager. A Contract Management Strategy will include appropriate escalation procedures should this be required.

In order to ensure that providers are delivering what they are contracted for in terms of numbers, client groups, and outcomes, the CMF process incorporates monthly analysis of management information, performance management, quality assessment and customer satisfaction feedback. The three areas that the risk rating is based on are average cumulative performance, contract value (per annum), and quality (including outcomes from management visits and any other *quality products/information*). MI is collated on a monthly basis to inform monitoring and risk assessment. The risk assessment approach means that appropriate interventions are conducted where required, in addition to formal regular reviews.

Where a Prime Contractor has been successful in more than one District these contracts will not be brigaded together. For ease of contract management each District contract will be entered on to the Contracting and Funding System (CFS) individually and managed separately.

23. CONTRACT MANAGEMENT OF SUB CONTRACTORS

Where any of the tendered provision is to be sub-contracted, the successful provider is expected to use all reasonable endeavours to ensure that sub-contractors comply in all respects with the contract and all relevant legislation, including ESF compliance.

DWP Contract Managers will manage Prime Contractor activity and the Prime Contractor will manage sub contractors on an ongoing basis.

24. QUALITY STANDARDS

The DWP Quality Framework provides the basis for maintaining and improving the quality of employment programme provision. Continuous self-assessment and action planning by providers are key factors in effective quality assurance. Employment programme provision is subject to external inspection by OFSTED in England.

DWP is committed to raising the standard of provision and our goal is to build and sustain a culture of continuous improvement. Through our Contract Management Framework, we will identify, plan and review areas for improvement.

DWP works in partnership with OFSTED to ensure the focus of external inspection drives up both the quality of provision and performance of the contract. After external inspection, the provider is required to update their Provider Development Plan (PDP) to address areas for improvement identified during inspection. Providers should submit the updated plan to the DWP Contract Manager within 4 weeks of receipt of the inspection report. The DWP Contract Manager will assess the appropriateness of the PDP and use it to inform their contract management process.

Providers whose delivery is judged to be inadequate are subject to re-inspection. After re-inspection, providers who are awarded satisfactory grades will return to the normal inspection cycle. If a provider's delivery is found to be unsatisfactory at re-inspection DWP will consider any remedial action to be taken. In the majority of cases, the DWP Contract Manager will work with the provider to agree an Emergency Action Plan. The Emergency Action Plan records the actions required and where appropriate, the support available to accelerate the rectifying of weaknesses highlighted during re-inspection. The Emergency Action Plan must be submitted to OFSTED for comment within 8 weeks of the report publication. The DWP Contract Manager closely monitors the execution of the Emergency Action Plan, which should be fully implemented within twenty-six weeks following publication of the re-inspection report.

Where DWP considers the Emergency Action Plan has been effective the provider returns to the normal inspection cycle. If the DWP Contract Manager decides the Emergency Action Plan has not brought about the required improvements in provision, they will decide what further action, within their power, is to be taken. In some instances they may decide to cease contracting with the provider and serve notice of the intention to terminate the contract. Or it may be appropriate to move funding from one provider to another for activity within the same Priority, where a provider is not able to achieve the required targets. This helps to ensure under spends are kept to a minimum.

Working with the Quality Improvement Agency, DWP offers a wide range of quality improvement support for providers and their Contract Managers. This includes:

- one to one support for providers whose delivery is judged to be inadequate at inspection;
- quality workshops on areas for improvement identified through the contract management process, self-assessment reports or external inspection;
- encouraging the sharing of good practice.

25. ESF AUDIT REQUIREMENTS

The following list is not exhaustive but Providers will be required to:

- keep a full record of all costs necessary to deliver the contract;
- provide information on costs to DWP as required from time to time;
- maintain appropriate audit trails of participant eligibility and progress;
- provide reasonable access to DWP and other authorised staff to records, contractor staff and participants, so that it can be verified that expenditure has been used in delivery of the contract.

For example, the Provider is responsible for sourcing, arranging and funding childcare, travel costs and additional support as detailed within individual contract requirements. Providers should ensure that robust processes are put in place to manage and demonstrate processing such payments.

The following is a list of the bodies, which require access for audit purposes - it is not exhaustive:

- European Social Fund – ESF Audit Authority
- The European Court of Auditors
- The European Commission's Auditors
- The National Audit Office
- Government Offices
- Other bodies as required by or on behalf of DWP

It cannot be emphasised enough that failure to meet audit requirements results in a high financial risk for both yourselves and DWP, as funds used inappropriately or for ineligible participants or purposes are recoverable.

26. LEGISLATION

In addition to requirements laid down within each local specification, Prime Contractors must take steps during the lifetime of the contract to ensure that they remain compliant with current and future changes in the law.

Additionally, providers will be expected to support the Secretary of State in meeting their obligations under the Disability Discrimination and Human Rights Acts (HRA). This includes the new Disability Equality Duty, which places a new obligation upon Public Authorities to promote equality of opportunity for disabled people.

Further detail can also be obtained using the following website link.

http://www.drc-gb.org/employers_and_service_provider/disability_equality_duty.aspx.

27. PUBLICITY REQUIREMENT

Providers will be responsible for complying with contractual requirements for publicity and information-related measures to support for ESF, including complying with the publicity requirements of the European Commission.

Co-financing organisations are required to develop and implement communications plans for each ESF region, and for Cornwall and the Isles of Scilly, which will be reviewed annually. These plans will include the role of providers in helping to raise awareness of ESF support for employment provision among both ESF participants and the wider general public.

More detailed information will be included in provider guidance. Providers will be asked to (list is not exhaustive):

- publicise provision opportunities to potential applicants

- use the ESF logo extensively in line with guidance, for example in leaflets, posters, newspaper articles/advertisements, newsletters, participant forms
- display the ESF plaque prominently in line with guidance
- raise awareness of ESF support amongst ESF participants and the general public
- supply provider and provision details for inclusion in ESF public databases
- provide case study or news story information and share good practice
- support the review and evaluation of information and publicity measures

Providers must communicate clearly in language that is understandable to a wide audience and support the ESF programmes cross-cutting theme of sustainable development by aiming to minimise the impact of measures on the environment. This will inform decisions on how publicity is undertaken, consideration should be given to the use of IT/web based publicity materials and paper based materials should make use of recycled materials.

Local specifications include requirements for development and agreement of marketing proposals and materials locally with the DWP CFO, represented by Jobcentre Plus.

The ESF Managing Authority will maintain a database of operations, by region, on the national ESF website. This will include the names of projects and the project providers and the amount of funding allocated to the project. This will be generated from information supplied by the DWP CFO to the Managing Authority. It may also be used on the European Commission's website.

28. DOCUMENT RETENTION

Prime providers will be required to retain and store key documents relating to participants and financial claims in line with their contract terms and conditions. It is an ESF requirement that these documents are retained for audit purposes, and for the full ESF-determined timescale. This is expected to be at least until 31st December 2022. Prime Contractors will need to have systems in place that can be relied upon to meet the required audit trail, including documents generated by their sub-contractors, so that documents can be easily retrieved. The DWP Provider Guidance (Chapter 12a) sets out the range of documents for retention. These include participant documentation and documents supporting financial claims.

29. ESF CROSS CUTTING THEMES

Equality, Diversity and Equal Opportunities

Commitment to equality and valuing diversity must be demonstrated. Legislation relative to this must be complied with at all times and services provided must embrace diversity and promote equality of opportunity. Discrimination will not be tolerated on any grounds including gender, marital status, sexual orientation, race, colour, nationality, religion or age.

Through the terms and conditions of contracts, providers will be required to ensure that they and sub contractors assist and co-operate with DWP to actively promote equality of opportunity for all persons irrespective of their, race, gender, age, disability, sexual orientation or religion. The provider is required to comply with an agreed Equality Policy, Training Plan, and Supplier Diversity Plan and ensure that any subcontractors adopt and implement similar policies and plans.

Providers will be expected to support and be involved in Equality Impact Assessments undertaken by the Department at various stages, particularly once preferred bidders are known and in readiness for implementation.

In addition to this, every 12 months from the beginning of the contract the provider will be required to produce information recording the proportion of its employees who are female, disabled and the ethnic background of all employees. Every 12 months from the start of the contract the provider will be required to produce information recording the proportion of its sub-contractors that are small to medium sized enterprises, ethnic minority enterprises and black minority enterprises.

Before the award of any contract (to the value of £50k and over), providers will be required to complete the accreditation process unless they are already accredited through Momenta, (an external organisation who undertake this work on behalf of DWP) within the last 12 months. As part of this they will be asked how they have ensured that any previous or existing provision meets the requirements of the relevant Acts, including whether they have a written equal opportunities policy that adheres to the requirements of the following:

- Sex Discrimination Act 1975;
- Race Relations Act 1976 and Race Relations (Amendment) Act 2000;
- Disability Discrimination Act 1995;
- Employment Equality (Religion and Belief) Regulations 2003;
- Employment Equality (Sexual Orientation) Regulations 2003;
- Age Discrimination 2006.

Providers will be asked whether any findings of unlawful discrimination in relation to non-employment matters have been made against them in the last three years. Also, if any of their contracts have been terminated on the grounds of failure to comply with legislation, prohibiting discrimination or contract conditions relating to equal opportunities. Providers will be asked to confirm that they have a complaints procedure in place and that complaints are addressed and monitored in relation to discrimination.

When assessing a bidder's ability to deliver the specific provision required, providers need to submit details about premises and facilities they intend to use, details of their suitability for the particular provision, what equipment and facilities will be available and to describe transport and accessibility arrangements. This is to ensure compliance with the DDA.

Programmes should promote equality in a pro-active way by integrating gender equality and equal opportunities into the planning, implementation, monitoring and evaluation of the programme. All providers will be required to promote equal opportunities. Providers are expected to ensure that provision identifies and meets the specific

requirements of participants with a disability so that they can participate fully in provision.

Providers must have an Equal Opportunities Policy, for the project, the staff and participants, which should consider issues such as:

- Recruitment processes;
- Meeting the needs of the varying participant groups;
- Access to premises;
- Publicising the project to ensure equal treatment.

Sustainable Development

DWP supports the goal of sustainable development to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations

Providers will be required to complete a policy statement to demonstrate that they satisfy and adhere to the four key aims and a sustainable development plan must be produced within 6 months of the contract start date. The plan will need to cover the following:

- how waste will be minimised and recycling promoted;
- how energy consumption will be minimized;
- how the use of transport may be minimised and public transport promoted;
- how awareness of environment issues will be promoted within the organisation.

This goal will be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment and a just society that promotes social inclusion, sustainable communities and personal well being. This will be done in ways that protect and enhance the physical and natural environment and use resources and energy as efficiently as possible.

Sustainable development has four main aims:

- social progress that recognises the needs of everyone;
- effective protection of the environment;
- prudent use of natural resources;
- maintenance of high and stable levels of economic growth.

Provision supported by the European Social Fund (ESF) should improve the employability of the participant and deliver environmental or community benefits by:

- minimising travel;
- using innovative delivery methods;
- supporting skills and jobs identified that will work towards improving conservation;
- identify skills needed in work areas that will have a positive effect on the environment;
- reduce skills gaps locally;

- placements through local and charitable organisations.

Providers will need to give an assurance that their waste is disposed by registered waste collectors and that WEEi regulations are observed with regard to the disposal of ink cartridges, toners, electrical consumables and equipment.

London only – Additional cross cutting theme for Health

In addition to the above ESF cross-cutting themes (ie sustainable development and equality, diversity and equal opportunities) please also note that the London ESF Regional Framework identifies Health as an additional cross-cutting theme for the programme, for the London region only. **Annex 4** provides brief information and a checklist for London bidders, drawn from information provided by the London Development Agency. Successful providers will be asked to produce a plan as to how they will meet the requirements of this theme within six months of the contract starting.

Further detail can also be obtained using the following website link.

<http://www.lda.gov.uk/server/show/ConWebDoc.2216>

30. EVALUATION AND REPORTING

Independent evaluation will be an important element of the ESF provision. The full design of the evaluation programme is still under development but it is likely that providers will be asked to support a variety of evaluation projects, including:

- Evaluation by the ESF Managing Authority (DWP);
- Regional evaluation commissioned by or on behalf of the Regional Skills Partnership;
- Programme delivery evaluation commissioned by the DWP CFO.

Other interested parties may administer further evaluations. Provider assistance will be expected, as required.

Evaluation by the ESF Managing Authority will include a two stage national cohort study of participants from 2009 and a range of other studies focusing on, for example, gender, disadvantaged groups, equal opportunities, in work training, sustainable development and the delivery of ESF in relation to ESF targets and the Regional ESF Frameworks. It is likely that providers may be asked to participate, and to assist in identifying participants for the cohort and other surveys. This may involve providing contact details for some or all participants, having sought in advance the permission of the individuals concerned.

Researchers may wish to visit and interview Providers, programme participants and partners involved in the provision. Providers delivering this provision will be contacted beforehand. Findings will be disseminated to all Providers in order to facilitate sharing and adoption of best practice and continuous improvement of the service. Evaluation findings will also be published as part of the DWP research series.

Providers will also be asked to report on progress and evaluate their own provision at regular intervals to support DWP's reporting requirement to the Managing Authority at regional and national levels. An end of project evaluation report will also be required, summarising project activities and outcomes achieved, and highlighting issues of especial note, such as innovation or achievements against the ESF cross-cutting themes of equality and sustainability.

31. BUSINESS SUPPORT SIMPLIFICATION

The Government is committed through the Business Support Simplification Programme (BSSP) to reducing the number of publicly funded business support schemes by 2010. The regional ESF Frameworks are committed to ensuring that where ESF does provide direct support to business it is consistent with these principles.

32. LOCAL EMPLOYMENT PARTNERSHIPS AND OTHER PROVIDERS

LEP Partnership Agreements

All DWP contracted providers are expected to work together in Partnership with Jobcentre Plus to deliver the government's objectives with regard to Local Employment Partnerships (LEP), and in doing so provide a better service for employers and individual customers.

Upon contract award you will be contacted by Jobcentre Plus and offered a LEP Partnership Agreement. This will enable you to enter into LEP verbal agreements with the employers you work with, therefore avoiding multiple and confusing contacts to employers. Under the Partnership Agreement you will also be copied into all Jobcentre Plus LEP vacancies for your customers, and have access to Jobcentre Plus Local Labour Market Intelligence.

So that progress can be reported, in return you will be expected to provide information to Jobcentre Plus on your customers placed into jobs, either through Jobcentre Plus LEP vacancies or your own Employer LEP agreements. We would expect the LEP Partnership Agreement to apply equally to your sub contractors, through you as the Prime contractor.

LEP Pre-Employment Training

Jobcentre Plus District may require the Contractor to deliver LEP Pre-employment Training (PET) courses as part of their contracted delivery. The actual delivery arrangements for each pre-employment training course will be agreed between DWP, the Jobcentre Plus District and the Contractor. In the majority of cases, it is expected that the Sector Employability Toolkits developed with the Sector Skills Development Agency (SSDA) and the LSC will form a two-week core module of LEP Pre-employment Training, but flexibility exists to add or subtract content as appropriate. The Sector Employability Toolkits are intended to provide a guide only, and their use will be dependent upon employer choice.

The District will be expected to use their local knowledge to agree with the employer the length of the pre-employment training that best meets their needs, and provides value for money to the Public purse.

More information can be found on the DWP website, in Chapter 18 of the Provider Guidance http://www.dwp.gov.uk/supplyingdwp/what_we_buy/provider_guidance.asp

Additionally it is expected that providers will work closely with other providers/partners in the District to ensure that appropriate referrals are made and their differing sets of provision complement each other.

33. TIMETABLE FOR DELIVERY

Bid assessment complete	22/05/09
Announcement of short-listed bidders for each contract	Week commencing 25/05/09
ITT published	01.06.09
ITT Provider Workshops	Between 01/06/09 and 12/06/09
Return of Tenders	Friday 17/07/09
Tender Assessments complete	28/08/09
Announcement of preferred bidder(s) in each contract	Week commencing 31/08/09
Post tender discussion and contract award	Between 07/09/09 and 12.10.09
Contracts go-live	14.12.09

34. ADDITIONAL INFORMATION

ESF provider guidance for the current programme can be accessed on the website at, chapter 12A

Contract Package Areas

Contract no	Region	Package Area	Min Value	Max value	Starts	Jobs
ESF1	London	Central London Lambeth, Southwark & Wandsworth	£2,992,000	£3,530,000	2,538	965
ESF2	London	West London South London North & North East London City and East London	£8,568,000	£10,472,000	9,463	3,337
ESF3	North West	Cumbria & Lancashire	£1,824,000	£2,229,000	2,234	804
ESF4	North West	Greater Manchester	£3,522,000	£4,304,000	4,314	1,553
ESF5	South East	South East	£4,372,000	£5,344,000	5,356	1,928
ESF6	South West	Dorset & Somerset	£1,009,000	£1,233,000	1,236	445
ESF7	South West	West of England Glous, Wilts & Swindon	£2,970,000	£3,630,000	3,638	1,310
ESF8	East of England	Beds & Herts Norfolk	£1,274,000	£1,557,000	1,561	562
ESF9	South West	Cornwall	£ 800,000	£ 900,000	80	24
ESF10	Yorkshire & Humber	NE Yorkshire & the Humber, West Yorkshire	£ 2,800,000	£ 3,449,000	1325	398
ESF11	Yorkshire & Humber	South Yorkshire	£ 3,012,000	£ 3,680,000	2,400	720
ESF12	East Midlands	Derbyshire Nottinghamshire Lincs & Rutland Leics & Northants	£4,374,000	£ 5,467,000	2,950	649

Security Policy for Suppliers of services to the Department for Work and Pensions

1. In order to protect Departmental information appropriately, our suppliers must provide the security measures and safeguards appropriate to the nature and use of the information. All suppliers of services to the Department for Work and Pensions must comply, and be able to demonstrate compliance, with the Department's relevant policies and standards.
2. All suppliers must comply with the relevant Standards from the DWP Information Systems Security Standards. The Standards are based on and follow the same format as International Standard 27001, but with specific reference to the Department's use.
3. The following are key requirements and all suppliers must comply with relevant DWP policies concerning:

Personnel Security

- Staff recruitment in accordance with government requirements for pre-employment checks;
- Staff training and awareness of Departmental security and any specific contract requirements.

Secure Information Handling and Transfers

- Physical and electronic handling, processing and transferring of
- DWP Data, including secure access to systems and the use of encryption where appropriate.

Portable Media

- The use of encrypted laptops and encrypted storage devices and other removable media when handling Departmental information.

Off-shoring

The Department's Data must not be processed outside the United Kingdom without the prior written consent of DWP and must at all times comply with the Data Protection Act 1998

Premises Security

- Security of premises and control of access.

Security Incidents

- Includes identification, managing and agreed reporting procedures for actual or suspected security breaches.

4. The Provider shall develop, implement and maintain a Security Plan during the period of the Contract, showing how they will address the key requirements of the Security Policy, and how they will implement appropriate arrangements which ensure that the Department's information and any other Departmental assets are protected in accordance with prevailing statutory and central government requirements. These arrangements will clearly vary according to the size of the organisation.

5. Draft Security Plans may be required at the Invitation to Tender stage of the tendering exercise. The final version of the Security Plan will need to be submitted to and approved by the Department within 20 days of the Effective Date of any contract awarded.

6. It is the supplier's responsibility to monitor compliance of any sub-contractors and provide assurance to DWP.