

Merlin Advisory Group Meeting 30th November 2009
Jolly Hotel St Ermin's, Caxton Street, London, SW1H 0QW

Chair: Simon Shimmens – DWP

Attendees:

1. Lucy Williams – DWP
2. Chris Austin – DWP
3. Linda Kissi – DWP
4. Jim Carley – Carley Consult
5. Deborah Tillet – Carley Consult
6. Richard Johnson – Serco
7. Ralph Michell – ACEVO
8. Daniel Singleton – Faith Action
9. Jane Collinson – BASE
10. Tunde Banjoko – LEAP
11. Kate Carnegie – Triage Central
12. Janette Faherty – Avanta
13. Paul Warner – ALP
14. Philip Connolly – RNIB
15. Steve Marsland – A4e
16. Fran Parry – Inclusion
17. Paul Yates – Working Links
18. Steve Swan – Tomorrow's People
19. Amanda McIntyre – ERSA

Apologies:

1. Jenny Dibden – DWP
2. Tracy Hughes – DWP
3. Richard Williams – Commission for the Compact
4. Bob Dewin – Working Links
5. Johnnie Graham – Working Links
6. Terry Davis – Bradford CC

1. Introduction - Simon Shimmens

Simon Shimmens opened the meeting by welcoming those present, giving a brief update on the Merlin project, and introducing Jim Carley and Deborah Tillett from Carley Consult.

Key points raised:

Merlin will have three 'strands', based on three drivers:

1. The Standard - *the DWP Code of Conduct lacks 'teeth'*
2. Mediation and Arbitration Service - *there is a need for an 'ombudsman' service*
3. Web Portal - *information sharing could be improved*

There will be feedback on the commissioner at every stage of the assessment process to reflect the impacts of commissioning and procurement activity on supply chains.

As the work now starts to accelerate, much of the advice will be sought via e mail. There will be updates sent out on the Merlin Working Group and other external communications.

First pilot assessments are scheduled to start late February / early March 2010.

2. Merlin Standard Update - Jim Carley and Deborah Tillett (Carley Consult)

Deborah Tillett presented the first draft Merlin model, and distributed hard copies. Although developed, this model was circulated to drive feedback, not for wider distribution at this stage.

A round table discussion took place to help impact the next stage of re-design. A summary of key points is appended (Annex A), in no particular priority order and without underpinning discussion detail added.

3. Parallel work with ERSA and ALP leading

Amanda McIntyre explained to the Group that ERSA and ALP would be leading a parallel piece of diagnosis work in conjunction with providers to look at continuous improvement in terms of implementation of the Commissioning Strategy, which would also provide evidence of DWP process that drives positive prime and supply chain behaviour.

Amanda and Paul will provide feedback at the end of March to 'dovetail' with the Merlin progress at that point in time.

4. Next steps and key questions/actions

Everyone is asked to provide the following feedback by e mail on two key issues:

- 'Top 6' criteria that to be retained as 'essential' in the revised model
- Any comments on process and structure

DWP will feed back to DWP Working Group.

Request that DWP look into the possibility of swapping representatives between the Advisory Group and the Working Group.

Set up an e mail address for responses/enquiries/questions to the Merlin Project team.

Circulate Mediation and Arbitration material via e mail and discuss in detail at next meeting.

Project team to support ERSA/ALP work in terms future interfacing with DWP colleagues.

5. Future meetings:

1st March 2010

7th June 2010

Advisory Group Meeting – 30/11/09

Bullet points from group discussion

- Ofsted parallels – doubling up?
- SAR – already doing SARs
- Non-prime involvement in SAR (security plan experience)
- Mission drift – different to what we were about
- Will there be an appeals process
- Will pilot affect procurement – e.g. pass fail – during pilot and after
- Extent of SAR – contract/region basis – over assessed already
- How did we end up with 20 criteria
- Frequency for accreditation / re-accreditation
- Accreditation for primes - not looking at Code of Conduct
- Management fees – will it end up specifying
- What will be value of reports
- Performance criteria – what about non-outcome based contracts
- Orgs not wanting to share best practice – IPR issues
- Prime contractor buy-in
- Why shouldn't DWP follow same approach
- Parallel piece of work – commissioning cycle – Merlin at odds with DWP as commissioner – DWP causing difficult risk transfers
- Mustn't be a blame game
- Different evaluations – e.g. star rating
- Answering the question – but do we know/have the right question
- Contract or provider specific
- Will assessment differentiate between good and excellent
- Re-inventing the wheel – another SAR
- Scoring – ability to 'bomb out' on any criteria
- How are subcontractors involved – if not – how should they be
- Duplication of other standards/inspection
- Mandatory for primes – can you sit outside the process
- How much work will the SAR/assessment process take
- Leadership and management content (new) from Ofsted – overlap
- Will scoring be in the public domain
- If you set standards will it drive cartel behaviour – determining added value
- Ethics/faith type focus – discrepancy with performance outcomes
- Scoring on a 5 point scale not wise – 3 being safe middle ground
- Risk of developing a rod for who's back
- Mission drift – becoming an Ofsted for primes – should be addressing concerns
- Who are assessors
- Grading (5 good) at odds with other standards
- Making it all too complicated
- Doesn't feel like we are promoting good practice
- Relationships and Conduct – are they the same thing
- Performance principle – unexpected, not part of original spec

- Value judgements – appropriateness of decisions
- Construction industry examples - teeth removing ambiguity
- 25 criteria too many – relationship and conduct similarity
- 60 % pass mark – 40% failure – how are weak areas addressed – any weighting within criteria
- link back to legal teeth – e.g. transparency, equality and diversity (obligations)

Other discussion points:

- More assessment of primes will impose more burden on subcontractors
- Should be Merlin mechanism – rather than standard – focussed on what makes things/behaviours work
- Doing mechanism, not bureaucratic mechanism
- Good practice not best practice
- Trying to do 3 things all at once – mechanism – commissioning strategy causing problems – encouraging good practice
- NCVO compact – example to be used – but based on dispute resolution/learning lessons
- Rights and responsibilities need to be verified – both up and down the supply chain
- Suggestion of combining working group and advisory group – or someone sitting on both
- Employment law analogy