



# the **CAN DO** toolkit

Targeted Recruitment  
and Training for social  
landlords

This Targeted Recruitment & Training toolkit has been produced for social landlords in Wales by Anthony Collins Solicitors LLP (ACS) and Richard Macfarlane ACS. Anthony Collins Solicitors LLP (ACS) and Richard Macfarlane are the most experienced UK practitioners in the inclusion of community benefits requirements in public sector contracts and agreements; their work includes the Scottish Procurement Directorate's Community Benefits in Procurement Pilot Project.

**Anthony Collins Solicitors** are lawyers and consultants who focus on 7 themes of work, Transforming Communities; Children and Young People; Vulnerable Adults; Enterprise; Housing for all; Entertainment and Leisure; and Faith Communities. Our Transforming Communities focus theme focuses on work for and with NDC organisations, community associations, local authorities, schools and social enterprise, and on a variety of concerns including environmental issues and the provision of better public services.

Mark Cook is probably one of the leading legal experts on community benefits and sustainability in procurement, having co-authored with Richard Macfarlane the JRF Report Achieving Community Benefits through contracts: law, policy and practice in 2002. He has worked with over 60 local authorities and other public bodies in England and Scotland in this important area.

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Richard is the most experienced independent consultant working on 'local labour in construction'. He has undertaken a wide range of work that seeks to maximise the local labour market benefits of regeneration and development. Richard conceived and managed the JRF-funded research with Mark Cook that resulted in the publication of Achieving Community Benefits Through Contracts: law, policy and practice, and since publication he has been project-managing a range of policy development and implementation programmes

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**IMPORTANT:** The supplementary guidance to using the templates can be found at [www.whq.org.uk/i2i](http://www.whq.org.uk/i2i) which will provide assistance on including TR&T requirements within your organisation's housing contracts. All three resources that make up the Can Do Toolkit provide advice in general terms only. Readers should seek legal advice before use. For advice on including social inclusion measures in public sector contracts please contact the Value Wales Policy 'One Stop Shop' at [vwpolicy@wales.gsi.gov.uk](mailto:vwpolicy@wales.gsi.gov.uk)

### Template 1: Basic TR&T requirements:

this includes **draft wording** which is suitable for use in the **specifications / invitation to tender** (ITN) or similar for a stand-alone contract. The requirements described in template 1 cover targeted recruitment and training and supply-chain opportunities.

### Template 2: Basic proforma method statement:

this **method statement** is designed for use alongside template 1 as a way of ensuring that bidders for a contract answer the same questions and provide the same basic information about TR&T or other requirements.

### Template 3: Additional provisions for a deposit sum approach:

this provides alternative wording which can be used in situations where the chosen contractor is required to provide funds by way of a **deposit** to encourage the compliance with TR&T requirements, and to insure against non-compliance.

### Template 4: Additions and variations to the approach for a framework agreement:

this provides alternative wording which can be used when the contracting authority is procuring a **framework agreement**, rather than a stand-alone contract, where there is a need for requirements to be included in both the **framework agreement** itself, and in specific 'call-off' contracts under that framework. The text contained in template 4 could also be modified for use in **group purchasing**.

### Template 5: TR&T protocol:

the protocol contained in template 5 is ideal for use in situations where the contracting authority has not included the desired community benefits in the procurement process, or in a current contract. The protocol provides a **voluntary arrangement** which can sit alongside a contract.

### Template 6: Model scoring framework for construction procurement:

this template contains a **scoring framework** for use when scoring bidders for contracts for construction works. It includes requirements that may be particularly relevant to construction, and a suggested **scoring mechanism**.

### Template 7: Model contract clauses:

the contract clauses in template 7 reflect the **basic requirements** set out in template 1, and can therefore be incorporated into a **draft contract** when these requirements are included in the procurement. Also included in template 7 are contract clauses appropriate for use when using the **deposit sum approach** outlined in template 3.

This toolkit has been produced for social landlords in Wales that wish to achieve wider social inclusion through their improvement and investment programmes. The main drivers behind this work are:

- the determination of the Welsh Assembly Government to get the maximum added value out of public and private sector investment in Wales
- the pioneering work done by Value Wales in developing the Community Benefits step-by-step guide (1)
- the increasing commitment by social landlords to the WHQS plus (2) objectives developed by **i2i** – inform to involve – to ensure that housing investment also delivers local regeneration and community ownership of housing
- the potential for the wider social landlord sector to deliver more in terms of regeneration on the back of the Essex Review of affordable housing in Wales (3)

This toolkit aims to support social landlords to include **'targeted recruitment and training'** (TR&T) requirements in WHQS contracts.

The Toolkit is divided into three linked resources:

**Resource 1 – an introductory guide** provides key information on using TR&T as core requirements throughout the procurement process and the issues to be considered by potential users

**Resource 2 – this comprehensive guide** containing detailed information on legal and policy matters and supply-side support available for downloading on the **i2i** website [www.whq.org.uk/i2i](http://www.whq.org.uk/i2i) in a PDF format

**Resource 3 – a series of templates** to be downloaded and adapted from the **i2i** website [www.whq.org.uk/i2i](http://www.whq.org.uk/i2i) in a Microsoft Word format

The tools discussed throughout this guide are **flexible** and while the focus is the Welsh Housing Quality Standard (WHQS), the processes can be **adapted for use** throughout housing and other sectors. In addition, whilst **TR&T** is the primary focus of the toolkit, other community benefits may be pursued through WHQS and similar contracts.

## 1.2 How to use Resource 3

To illustrate how TR&T can be included in contracts and development agreements through procurement, model clauses have been developed by **Anthony Collins Solicitors LLP**. These are included within this resource (resource 3).

Care should be taken to ensure that the materials are:

- **compatible** with the powers and policies of the procuring organisation;
- **suitable** to the contract;
- **affordable**; and
- **deliverable** from the available target sources/communities.

Resource 3 contains draft text that can be used in different **circumstances** during the process of incorporating TR&T into the procurement and contracting processes. The focus of the targeted recruitment and training requirements in this Resource is on the **recruitment and training of new employees**, ideally from sectors of the **community** otherwise **disadvantaged** in the labour market. Provisions could, of course, be **modified** or added to where the contracting authority wishes to include other community benefits.

## **Template 1 – Basic TR&T Requirements: suitable for the procurement of a stand-alone contract**

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### **Targeted Recruitment & Training (TR&T) and Supply-chain Opportunities**

#### **Template 1 includes:**

- draft wording suitable for use in the specifications / invitation to tender stage.

**Readers should seek legal advice before use. For advice on including social inclusion measures in public sector contracts please contact the Value Wales Policy 'One Stop Shop' at [vwpolicy@wales.gsi.gov.uk](mailto:vwpolicy@wales.gsi.gov.uk)**

## **1. Introduction**

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In pursuance of the information provided in the OJEU Contract Notice that the Contractor is required to actively participate in the economic and social regeneration of the locality the Contractor shall deliver the TR&T and supply-chain requirements as set out below.

or

It is the Employer's intention that the delivery of the contract assists in the achievement of their policies on sustainable development/social inclusion/economic and social regeneration/equal opportunities (select as appropriate) as set out in [the relevant policy documents]. Accordingly, and in pursuance of the information provided in the OJEU Contract Notice, the Contractor is required to deliver the TR&T and supply-chain requirements as set out below.

## **2. The Requirements**

Bidders are required to submit a Targeted Recruitment and Training Method Statement with each valid tender, using the attached pro-forma, setting out how the following outcomes will be achieved [in a way which is cost-neutral to the Employer<sup>1</sup>]. [delete the latter and amend question 11 in the Method Statement if the Employer is able/willing to cover the cost of the TR&T requirements].

### **2.1 New Entrant Trainees**

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*Select the requirements from the clauses below choosing those that:*

- *are relevant in type and scale to the works/services to be delivered;*
- *meet the needs to the target community;*
- *can be supported by 'supply-side' agencies; and*
- *can be effectively monitored and followed-up.*

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<sup>1</sup> The contractor(s) appointed will be expected to cover the cost of the requirements by accessing public sector and industry funding and by effectively managing the works so as to achieve good productivity from the trainees.



*To ensure early attention to the TR&T requirements the Method Statement should normally be received with the tender. If TR&T is not part of the award procedure this must be disregarded until the award of the contract.*

*The text differentiates between new entrant trainees that are registered with a training body as apprentices, and other trainees. The former may be counted towards the new trainee target for a longer period e.g 104 week rather than (say) 26 or 52 weeks for 'other trainees'. This is decided by the Employer.*

2.1.1 A minimum of [ ] [see **Resource 2** for a discussion on how to set an appropriate target] Person-weeks of employment to be provided for a new entrant trainee recruited from a source agreed by the Employer, for each £1m in contract value where:

- a Person-week is the equivalent to one person being employed for five days either on the development site or on other sites (with the agreement of the Employer);<sup>2</sup>
- a new entrant trainee<sup>3</sup> is a school or college leaver, or an adult that has not been employed in the construction industry during the previous six months, and who is undertaking training towards a construction industry or an Employer-recognised qualification
- a new entrant trainee that is registered as an apprentice can be counted towards the target for a maximum of [ ] weeks and a non-apprentice 'other trainee' can be counted for a maximum of [ ] weeks;

2.1.2 Reasonable efforts should be made to retain persons that have been notified to the Employer as a new entrant trainee after the maximum periods listed above.

(Questions 2, 3 & 4 in the Method Statement relate)

*The term new entrant trainee is widely defined and this provision is intended to be the main 'requirement' that will achieve social inclusion. Through the Method Statement the contractor will set out what mix of new entrant trainees they expect to recruit, by trade and whether these are apprentices or other trainees. Their decision can be influenced through the provision of an information sheet on trainee supply and funding (sent out with the ITT or equivalent) and through a briefing session. Further clarification can be sought post-award to better align the opportunities with the target community and the available training supply.*

*The target is set here as Person-weeks per £1m in contract value. This can of course be re-worked to set the target as Person-weeks per unit of housing or square metres of commercial development, where these are known and this is considered easier to measure.*

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2 The Employer will expect transport to alternative sites to be provided where sites are not within 5 miles of the site where the trainee is initially engaged.

3 A trainee could be registered as an apprentice with an industry recognised body (who can be counted as a 'new entrant' for up to [ ] weeks) or a person that has a trainee contract or a contract of employment or self-employment that are not apprentices (who can be counted as a 'new entrant' for up to [ ] weeks). (insert figures)

## 2.2 Recruitment

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*The first of these paragraphs provides opportunities for skilled/experienced and job-ready workers. People that don't fit this description should go through a pre-recruitment programme and be 'new trainees'. The second paragraph should be used where Job Centre Plus request this.*

Every vacancy on site, including those with subcontractors, is to be notified to agencies named by the Employer [at least three working days before recruitment from other sources], and candidates identified by these agencies are to have an equality of opportunity in the selection process.

Within 13 weeks of appointment the contractor is to provide the Employer with evidence that they have entered into a Local Employer Partnership or an equivalent agreement to recruit people who are disadvantaged in the labour market.

(Question 6 in the Method statement relates)

## 2.3 Unwaged work experience

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The equivalent of [ ] [enter figure] Person-weeks per £1m in contract value is to be made available as unwaged work experience opportunities for people provided by an organisation that has undertaken appropriate pre-site preparation and a risk assessment. Some of these weeks may not be utilised.

(Question 2 in the Method Statement relates)

*This provides the opportunity for students to obtain some site experience. It can also be used for unpaid work-trials or short-term paid work experience. Again, this can be re-worked to set the target as Person-weeks per unit of housing or square metres of commercial development where the latter are known and this is considered easier to measure.*

## 2.4 Workforce Training

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*This can be used to ensure opportunities for continued training for 'new trainees' and to help achieve a fully-accredited workforce. It can facilitate the work of bodies such as Construction Skills to engage with employers and maximise in-service training.*

Take action to assist employees to achieve appropriate CSCS registration and NVQ Level 2 or equivalent and higher levels of qualification. Arrangements for on-site training, assessment, and recording are to be provided.

(Question 5 in the Method statement relates)

## 2.5 Training Plan

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When requested by the trainee or their training organisation, a Training Plan is to be maintained for each 'new trainee', using a pro-forma where this is provided. The Training Plan to be made available for inspection by the Employer and its agents at any reasonable time.

*This is a provision that a training provider or trainee can activate if it is needed and the plan will be used.*



## 2.6 Skills Forums

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The contractor is required to support the work of [insert the relevant industry training forum] established in the locality of the works.

## 2.7 Remuneration

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Trainees and recruits must, as a minimum, be paid in accordance with industry norms and must have terms and conditions of employment that are at least equivalent to those provided to workers that have equivalent skills and experience.

Contractors are encouraged to increase the remuneration of trainees in line with their experience and productivity.

*This is included to ensure equal treatment between existing trainees and 'new trainees', and to maximise retention by ensuring that trainees are rewarded as their productivity increases.*

## 2.8 Supply-chain Opportunities

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2.8.1 When requested by the Employer, to participate in initiatives to identify and nurture additional supply-chain organisations based in or around the area where the development is taking place.

2.8.2 All supply-chain opportunities including those at the tender stage are to be posted on the [Contract Shop website ([www.contractshop.co.uk](http://www.contractshop.co.uk))] at least seven working days before invitations to submit a tender or price are issued, and reasonable consideration to be given to firms registered with [Contract Shop], especially those located in and around the area where the development is taking place, when issuing invitations to tender or price for contract opportunities.

*The first of these paragraphs allow the Employer to introduce a specific initiative after award of the contract. The second facilitates company inter-trading – contact [info@contractshop.co.uk](mailto:info@contractshop.co.uk). The impact of these post-award initiatives will be limited where the contractor has made a commitment to their supply-chain before award of the contract.*

*Since the requirements can be delivered by any contractor post-award and are not included in the contract award process their inclusion should not disadvantage any bidder.*

## 2.9 Monitoring & Verification Information

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*Monitoring information should be aligned with the requirements selected under 2.1 – 2.5. Some possible requirements are set out below. The timetable for reporting is also important: the earlier and more frequent the reports, the earlier the contractor will focus on the TR&T and supply-chain requirements. However, progress-chasing and responding to monitoring information requires resources from the client side, and scarcity of this resource may determine what is asked for. The client should not request information that cannot be used/analysed.*

*It is important to be able to verify key outcomes, e.g. weeks of employment for new entrant trainees. The suggested notifications relating to the latter will facilitate this and if appropriate classifications are included on the pro-forma notification will allow the Employer to monitor trainee outcomes by ethnicity, gender, area of residence etc. Where there will be a large number of trainees the recording and analysis could require a database system.*

Within 4 weeks of completion of each [4/13/26] week period [delete as required] following Implementation to provide the Employer with a Targeted Recruitment and Training Performance Statement setting out in relation to the period and the contract to date:

2.9.1 the number of weeks' employment provided to each new entrant trainee, including those on sites outside of the contract where this has been necessary to provide continuity of employment and training and where this has been agreed with the Employer;

2.9.2 the number of new entrant trainees retained in employment after the completion of their period as a 'new entrant trainee';

2.9.3 a schedule showing for each contractor and subcontractor:

- the number of personnel starting on site in the period and cumulatively;
- the number of vacancies notified to agencies named by the Employer;
- [the number of people engaged on site in any capacity that have their main residence in one of the following postcode areas [ ] (enter the relevant 3 or 4 digit postcodes)] or [the postcodes of all people engaged on site in any capacity].

2.9.4 a schedule listing the firms invited to tender or price for subcontracts and supply contracts under 2.8 above and indicating which of these were successful;

2.9.5 [the total value of subcontracts and supplies contracts that have been awarded to firms with a [ ] (enter the relevant 3 or 4 digit postcodes) post-code] or [the post codes of all subcontractors and suppliers and the value of the contracts awarded to each].

For verification purposes the following documentation will be required by the Employer using pro-forma documentation provided:

2.9.6 a trainee recruitment notification signed by the trainee (to permit the provision of personal data to the Employer for contract monitoring purposes);

2.9.7 a trainee transfer notification where a trainee is moved between sites, or between employers engaged in the development; and

2.9.8 a trainee completion or termination notification

### **3. Contractor and Subcontractor Compliance**

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It is the contractor's responsibility to develop a working method that will deliver the TR&T requirements and supply-chain opportunities and related monitoring and verification data, and to obtain the full cooperation of contractors and subcontractors in delivering these requirements.

*This text is included to emphasise that it is the contractor's responsibility to deliver the TR&T and supply-chain requirements through their supply-chain. It is part of their job to work out how to do this.*

## 4. Support

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The inclusion of TR&T requirements does not comprise or imply any promise on the part of the Employer or their agents to provide suitable trainees or labour. Any action taken by these bodies or their agents to broker relationships between the contractor and local individuals/firms/agencies does not imply that they or their agents consider the individual/firm/agency as suitable for engagement by the contractor. All recruitment, supervision and discipline responsibilities rest with the contractor and subcontractors. Within this context the Employer will work with local agencies to help facilitate the achievement of the recruitment and training requirements.

*This text is included to protect the Employer from possible claims arising from their role as an intermediary between the contractor and the supply-side (employment, training and business development agencies).*

## 5. Targeted Recruitment & Training Method Statement

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Bidders are required to submit a completed Targeted Recruitment and Training Method Statement, using the pro-forma attached, with each valid tender. [A revised TR&T Method Statement may be required prior to commencement on site and each 12 months thereafter].

or

Prior to the signing of the contract [and each twelve months thereafter] the preferred contractor will be required to complete a Targeted Recruitment and Training Method Statement, using the pro-forma attached, to the satisfaction of the Employer.

Prior to completing the Method Statement bidders are advised to obtain the Construction Training Information Sheet from [ ]. This will give information on local training and resources. All of these will operate an appropriate equal opportunities policy.

*To ensure early attention to the TR&T requirements the Method Statement should normally be received with the tender. If TR&T is not part of the award procedure this should be disregarded until after the award of the contract. Otherwise it can be scored and given a weighting as part of the award process (see resource 2 for guidance on the award process).*

*Where TR&T is not an award criteria (as in the Value Wales 'step by step' approach) and there are concerns about demonstrating that TR&T information has been disregarded in the award stage, then the Method Statement can be required at the 'preferred bidder stage'. In this case the second of the first two paragraphs should be used.*

*Optional wording is provided where the method statement is to be renewed on an annual basis e.g. where the contract runs for many years.*

*To ensure a level playing field between bidders it is important to provide an information sheet giving details of training, job-matching and business development agencies that would be available to work with the appointed contractor to help them deliver the TR&T and supply-chain requirements. The information should include funding that could be accessed by the contractor. A briefing session with each bidder can help ensure equal access to the information and an appropriate focus on the TR&T requirements.*

## Template 2 – Basic Proforma TR&T Method Statement

### Template 2 includes:

- A **method statement** for bidders to include TR&T and / or other requirements

Readers should seek legal advice before use. For advice on including social inclusion measures in public sector contracts please contact the Value Wales Policy 'One Stop Shop' at [vwpolicy@wales.gsi.gov.uk](mailto:vwpolicy@wales.gsi.gov.uk)

**[Employer's name]**

### **Pro-forma Targeted Recruitment & Training Method Statement**

Title of contract .....

Name of Company .....

Contact Name .....

Position .....

Telephone number(s) .....

E-mail address .....

I confirm that this Method Statement sets out the actions that will be undertaken to ensure the achievement of the Employer's Targeted Recruitment & Training Requirements. It is recognised that delivery of these requirements will be a contract condition [and may be used in the award of the contract].

Signed .....

(Print Name) .....

Date .....

*Ensure that information is provided in each of the following sections. This document must be submitted as part of each valid tender.*

Note: Bidders are recommended to obtain information on training and job-matching resources available within the area from [ ] (enter the contact details).

Table 1 allows the Employer to check that the requirement in 2.1 will be delivered through a suitable mix of trades and a mix of apprentices and 'other trainees'. Clarification may be sought if the selected mix will not maximise opportunities or be easily delivered through the supply-side organisations.

## 1. Numbers of New Entrant Trainees

Please complete Table 1 in relation to the Tender

**Table 1 Person-weeks to be delivered by new entrant trainees (excluding work placements)**

Trade / occupation	Total Trainee-weeks and Trainees				Total Trainee-weeks	
	Apprentices		Other Trainees			
	P/wks	No	P/wks	No	P/wks	No

**P/wks – A person-week** is the equivalent of one person working for 5 days either on site, or through a mix of on-site work and off-site training. To provide continuity of training and employment this can include time on other sites with the agreement of the Employer.

**No** – enter here the number of trainees that will be recruited to deliver the p/wks.

A new entrant is a person that is leaving an educational establishment (e.g. school, college or university) or a training provider, or a non-employed person that is seeking employment that includes on-site training and assessment or offsite training, or a mix of these.

**An apprentice** is a person registered as an apprentice with an industry recognised body. Each apprentice can be counted as a 'new entrant' for up to [ ] weeks. (see footnote 3 in 2.1)

**Other Trainees** – people that have a trainee contract or a contract of employment or self-employment that are not apprentices. Each 'other trainee' can be counted as a 'new entrant' for up to [ ] weeks (see footnote 3 in template 1 above)

## 2. Work Experience Opportunities

The total in Table 2 should at least reflect the requirements under 2.3 in template 1.

Please show in Table 2 the number of Person-weeks that will be offered as work experience opportunities. Some of these opportunities may not be utilised.

**Table 2. Un-waged Work experience Opportunities**

Occupation/Activity	No. Person-weeks
<b>Total</b>	

The answers to questions 3-9 should demonstrate that the contractor has understood the requirements, and read the Information Sheet. The answers should satisfy good practice as interpreted by the Employer and the supply-side organisations. Innovations and added value may be included in Question 10.

## 3. Recruitment

What arrangements will you make to recruit apprentices and other trainees from agreed sources?

## 4. Support for Trainees

What arrangements will you make to provide mentoring and support for trainees and work placements to ensure maximum retention and achievement of industry accreditation?

## 5. Retention of Trainees

What steps will you take to maximise the number of new entrant trainees that are retained after the completion of the time they can be counted as 'new entrant trainees', and what percentage of new entrant trainee starts would you hope to retain at this stage?

## **6. Training Initiatives**

What training initiatives would you seek to utilise, and with which organisations, to maximise achievement of the TR&T requirements? What arrangements will be made for work-place recording and assessment?

## **7. Notification of Vacancies**

What arrangements will you make to notify all vacancies to agencies named by the Employer and provide time for applications from these sources to be considered?

## **8. Contractors and subcontractors**

How will you obtain the cooperation of contractors and subcontractors to ensure the delivery of the TR&T requirements?

## **9. Information**

How will you ensure that personal information on each 'new entrant trainee' can be provided to the Employer?

## **10. Management**

Who will be responsible for the delivery of the TR&T requirements on site and/or for the company?

## **11. Other Information**

Please provide here any additional information on how you would approach the implementation of the targeted recruitment and training requirements, including any innovative ideas.

*Question 11 can be:*

- *removed if no cost information is required by the Employer;*
- *used to ensure a cost-neutral approach;*
- *amended so that a net cost is shown.*

## **12. Costs**

Please complete Table 3 in relation to the resources required to deliver the TR&T Requirements.



**Table 3. Summary of Targeted Recruitment & Training Resources**

Cost Item	£	Basis of calculation
Management and administration		
Training costs		
Additional site costs		
Mentoring and support activities		
<b>Total</b>		
<b>Sources of Funding and other Resources</b>		
Grants (e.g. from Construction Skills Wales)		
Existing company staff / overheads		
Trainee productivity		
Services from other external agencies		
<b>Total of additional resources</b>		
<b>Total</b>		Difference between Total cost and Total of additional resources. [This should be NIL] (remove bracketed text if a net cost is required)

## Template 3 – Additional provisions for a deposit sum approach

### Template 3 includes:

- Alternative wording to be used where contractors are required to provide a deposit to encourage the delivery of TR&T requirements

### Template 3 should:

- Be used for development agreements to sustain delivery of TR&T
- Be significant enough to encourage the recruitment of trainees (*A figure between £65 and £100 per new trainee week has been used elsewhere.*)
- Be based on an annual TR&T Method Statement and inflation should be added to the deposit sum
- Be set as £x per trainee – week (value of contract & deposit sum set out in ITT)
- Only be used if there are internal arrangements to handle the deposit sum

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## 2.10 Trainee Deposit-sums

- 2.10.1 One week prior to Implementation to pay to the Employer a deposit sum of £[ ] (X weeks @ £... per week)  
(*enter the figures*)
- or
- 2.10.1 One week prior to Implementation to pay to the Employer a deposit sum of £[...] per new trainee week as required in the ITT [...] (*enter the reference*) and as set out in Table 1 in the TR&T Method Statement;
- 2.10.2 Within six weeks of receipt of each Targeted Recruitment and Training Performance Statement or receipt of acceptable supplementary information whichever is the later, the Employer will refund to the contractor the deposit sum for each week of employment provided for a new entrant trainee in the period covered by the Performance Statement, plus interest calculated on a daily basis at the current [ ] (*enter the name of the Bank*) base rate from the date of the deposit is lodged with the Employer to the date of repayment. The sums repaid cannot exceed the total deposit made to the payment date, plus interest accrued on the basis set out above;
- 2.10.3 Where the contractor is not entitled to a full repayment of the deposit due to under-achievement they may submit with their Performance Statement a request for a discretionary repayment of some or all of the balance of the deposit. Repayment may be made by the Employer where they are satisfied that the contractor used their best endeavours to achieve the targets. The Employer must give a reply to this within four weeks of the date of receipt of the request;
- 2.10.4 Any deposit sums and related interest retained by the Employer after the expiry of six/twelve months from the date of the most recent Performance Statement (*this should be two reporting periods*) will be used to support construction training initiatives in the area, provided always that the Employer has given four weeks' notice in writing to the contractor that the remaining fund is to be used in this way.
- 2.10.5 The contractor agrees to pay interest on sums due to the Employer under clause 2.10.1 but not paid on the Specified Date<sup>4</sup> from the Specified Date<sup>4</sup> until actual payment. The rate of interest shall be 4% above the [ ] (*enter the Bank name*) base rate from time to time.

<sup>4</sup> one week prior to Implementation and each 12 months thereafter.

## Template 4 – Additions/Variations for a Framework Agreement and / or Group Purchasing

### Template 4 includes:

- Alternative wording that can be used when procuring a framework agreement and associated call-off contracts. It can be modified for use in group purchasing

### Template 4 could:

- be used in line with requirements from template 1 and 2
- be compatible with the deposit sum approach

**Readers should seek legal advice before use. For advice on including social inclusion measures in public sector contracts please contact the Value Wales Policy 'One Stop Shop' at [vwpolicy@wales.gsi.gov.uk](mailto:vwpolicy@wales.gsi.gov.uk)**

*Add the following text to point 5 in template 1 (amending to suit whichever of the two first paragraphs is selected)*

It will be a condition of contract that after appointment each contractor provide the following after discussion with [ ] (enter the name of the supply-side intermediary or relevant representative of the Employer) and consideration of any Construction Training Information sheet that is made available:

- an Annual Recruitment and Training Method Statement setting out how they will deliver the requirements set out in 2.1 to 2.9 [or 2.10 if deposit sum requirements are to be included] below. This must be submitted to the Employer using the pro-forma set out in Appendix [ ] [enter the number] within one month of selection for the framework;
- a Project Targeted Recruitment and Training Method Statement as part of each call-off setting out how they will deliver the requirements set out in 2.1 to 2.9 [or 2.10 if deposit sum requirements are to be included] below. This must be submitted to the Employer using the pro-forma set out in Appendix [ ] [enter the number].

*This Method Statement is for use after appointment as a framework supplier and before any call-off under the framework has been issued.*

### ***Contractor's Annual Targeted Recruitment & Training Method Statement***

Period Covered – April [.....] to March [.....]

Name of Company .....

Name of Employer .....

Contract/Task Title/Description .....

Contact Name .....

Position .....

Telephone number(s) .....

E-mail address .....

I confirm that this Method Statement sets out the actions that will be undertaken to ensure the achievement of the Employer's Targeted Recruitment and Training Requirements. It is recognised that we may not be considered for the award of work unless a current TR&T Method Statement is held on file by the Employer.

Signed .....

(Print Name) .....

Date .....

*Ensure that information is provided in each of the following sections.*

1. Who is responsible for the delivery of the TR&T elements of the contract within your organisation?

Name ..... Position .....

Tel ..... E-mail .....

2. What arrangements will you make for the recruitment of apprentices and other trainees from sources named by the Employer?

3. Which named sources will you use?
4. How will you organise the management and supervision of the works/services to ensure that the TR&T requirements are fully delivered?
5. What steps will be taken to ensure subcontractor co-operation where this is necessary to fulfil the training requirements?
6. Who will be responsible for submitting Trainee Registration Forms and Transfer and Termination Forms? (see 2.9.6 – 2.9.8 of the Employers' Requirements).

Name ..... Position .....

Tel ..... E-mail .....

7. What arrangements will you make to provide mentoring and support to new entrant trainees and work experience placements, to ensure maximum achievement of industry accreditation and to ensure that the quality requirements for the Project are not compromised? How will work-pace recording and on-site assessment be provided?
8. What arrangements will you make to ensure that trainees and apprentices are paid according to Industry norms and that their remuneration increases in line with their experience and productivity?
9. How will you fund the TR&T activities in the next year to minimise the cost to [framework Employers] [the Employer]?
10. What will the net cost per new trainee week be (after receiving grants and external resources)?  
£ .....
11. From previous experience, what are the main problems that need to be addressed to ensure the successful recruitment, retention and accreditation of new entrant trainees from target communities and groups?
12. What steps will you put in place to address these problems in the next 12 months?
13. Please provide any other information about your commitment and the approach and actions you intend to take to ensure the delivery of the targeted training requirements.

**This Method Statement is to be submitted to [ ..... ] (*enter the name of the person representing the Employer(s)*) at least four weeks prior to commencement of the first call-off contract under the framework, and renewed by each 31st March thereafter. Where a Method Statement is considered to be incomplete or otherwise unsatisfactory the contractor(s) will be advised through a meeting within four weeks of submission and will be given two weeks to submit a revised Statement. If the latter is not received or is still inadequate a Rectification Notice will be issued and kept in place until a satisfactory Method Statement has been received. The existence of a current Rectification Notice may be a consideration when allocating call-off contracts.**

*This Method Statement should be required with each submission submitted for a call-off under the framework contract where a mini-competition is held. Where TR&T is part of the subject of the contract(s) this method statement may be scored and used in the selection of the contractor.*

..... (enter name)

### ***Pro-forma Call-off Contract Targeted Recruitment & Training Method Statement***

Name of Company .....

Name of Employer .....

Contract/Task Title/Description .....

Contact Name .....

Position .....

Telephone numbers .....

E-mail address .....

I confirm that this Method Statement sets out the actions that will be undertaken to ensure the achievement of the Employer's Targeted Recruitment and Training Requirements. [It is recognised that this document may be evaluated as part of the award process].

Signed .....

(Print Name) .....

Date .....

*Ensure that information is provided in each of the following sections. This document must be submitted as part of each valid tender/pricing or as otherwise requested by the Employer.*

## 1. Training Opportunities

1.1 What is the anticipated total labour content of the contract/task, excluding VAT

£ .....

1.2 How many new entrant trainee Person-weeks of employment will be provided to comply with the new trainee requirements in [ ] (enter the reference) of the framework contract?

..... Person-weeks

1.3 Complete the table below to show the split of opportunities between trainees currently working on other call-off contracts under the framework as a response to the TR&T requirements and trainees who are new to the framework.

Trainee Person-Weeks						
		Year 1*	Year 2	Year 3	Year 4	Year 5
Enter the financial year						
Total Person-weeks to be delivered (1.2 above)						
Person-weeks to be utilised by the contractor's existing framework trainees**						
Person-weeks to be utilised by additional new-entrant trainees						

\*Financial years

\*\* this is the allocation that will be used to provide continuity for new entrant trainees already registered with a consortium member.



- 1.4 Complete the table below to show the number of additional new entrant trainees that will be recruited during the delivery of these works/services.

Trade Area or profession	Apprentices		Other Trainees	
	Year	No	Year	No

- 1.5 Please show in the table below the number of Person-weeks that will be offered as work-experience opportunities for (mainly unwaged) trainees on this contract/task. Some of these opportunities may not be utilised.

Occupation/Activity	Person-weeks
<b>Total</b>	

## Notes

A **Person-week** is the equivalent of one person working for 5 days either on site, or through a mix of on-site work and off-site training.

**No.** – enter here the number of new entrant trainees that you anticipate recruiting for each occupation.

A **new entrant** trainee is a person that is leaving an educational establishment or a training provider, or a person that is non-employed and is seeking employment that includes on-site training and assessment, or offsite training (or a mix of these), or a returner to work that is accepted as a new entrant by a consortium Employer. An apprentice can be counted for up to [..] weeks (see footnote 3 of template 1). Other trainees can be counted for up to [ ] weeks (see footnote 3 of template 1).

An **apprentice** is a 'new entrant trainee' registered as an apprentice with an industry recognised body.

**Other Trainees** – 'new entrant trainees' that have a trainee contract or a contract of employment or self-employment that are not apprentices.

## Template 5 - Targeted Recruitment and Training Protocol

### A non-contractual or voluntary approach

#### Template 5 includes:

- a protocol to obtain a TR&T commitment from contractors on a voluntary basis when the contract has already been let

#### Template 5 includes requirements that:

- are appropriate for the type and scale of works/services being delivered;
- are required to address the needs in the target community;
- can be supported by the supply-side agencies;
- can effectively be monitored and followed-up.

One reason for introducing the requirements to existing contractors may be because it is anticipated that they may be part of future contracts when they are procured.

*The notes from template 1 & 2 can be used in connection with template 5.*

*For long contracts **annual method statements** can be required.*

Readers should seek legal advice before use. For advice on including social inclusion measures in public sector contracts please contact the Value Wales Policy 'One Stop Shop' at [vwpolicy@wales.gsi.gov.uk](mailto:vwpolicy@wales.gsi.gov.uk)

..... (enter the Employer's name)

## ***Targeted Recruitment and Training Protocol***

### **The Parties to this agreement are:**

The Employer .....

Authorised signatory ..... Date .....

Print Name .....

Position .....

Tel ..... E-mail .....

### **The Contractor**

Name .....

Address .....

.....

.....

Authorised signatory ..... Date .....

Print Name .....

Position .....

Tel ..... E-mail .....

## 1. Introduction

---

The Employer has established policies on sustainable development / social inclusion / economic and social regeneration / equal opportunities (select as appropriate) and wishes to obtain the support of the Contractor in the achievement of these through the delivery of the TR&T and supply-chain activities as set out below. It is recognised that the support of the Contractor is [on a voluntary basis] [an extension to the current contracts and that reasonable net costs<sup>5</sup> will be payable by the Employer through the open book arrangements] (delete as appropriate).

## 2. The Requirements

---

The Contractor agrees to submit within four weeks of the date of the Protocol [and each twelve months thereafter] a Targeted Recruitment and Training Method Statement, using the attached pro-forma, setting out how the outcomes in 2.1 to 2.9 will be achieved [without cost to the Employer<sup>6</sup>] [delete and amend Qu. 11 in the Method Statement if the Employer has an open book contract and is able to cover the cost of the TR&T requirements].

Prior to completing the Method Statement the Contractor will hold discussions with ..... (*enter the name of the agency*) and other supply-side organisations identified by the Employer.

### 2.1. New Entrant Trainees

---

[ ] person-weeks of employment (*see resource 2 for a discussion on how to set an appropriate target*) to be provided for a new entrant trainee recruited from a source agreed by the Employer, for each £1m in contract value where:

- a person-week is the equivalent to one person being employed for five days either on the development site or on other sites with the agreement of the Employer;<sup>7</sup>
- a new entrant trainee<sup>8</sup> is a school or college leaver, or an adult that has not been employed in the construction industry during the previous six months and who is undertaking training towards a construction industry or an Employer-recognised qualification;

(Questions 2, 3 & 4 in the Method Statement relate)

### 2.2. Recruitment

---

Every vacancy on site, including those with subcontractors, will be notified to agencies named by the Employer [at least three working days before recruitment from other sources], and candidates identified by these agencies will have an equality of opportunity in the selection process.

The Contractor will consider entering into a Local Employer Partnership or an equivalent agreement to recruit people who are disadvantaged in the labour market.

(Question 6 in the Method Statement relates)

---

<sup>5</sup> 'net costs' are total costs less grants and nil-cost services obtained, and after deducting the value of trainee productivity.

<sup>6</sup> The Contractor is expected to cover the cost of the training requirements to the fullest extent possible by accessing public sector and industry funding and by effectively managing the works so as to achieve good productivity from the trainees.

<sup>7</sup> The Contractor will provide transport to alternative sites where these are not within 5 miles of the site where the trainee is initially engaged.

<sup>8</sup> A trainee could be registered as an apprentice with an industry recognised body (who can be counted as a 'new entrant' for up to [ ] weeks) or a person that has a trainee contract or a contract of employment or self-employment that are not apprentices (who can be counted as a 'new entrant' for up to [ ] weeks). (insert figures)

## 2.3. Unwaged work experience

---

The equivalent of [ ] (*enter figure – see resource 2 for guidance*) Person-weeks per £1m in contract value will be made available as unwaged work experience opportunities. Some of these may not be utilised.

(Question 2 in the Method Statement relates)

## 2.4. Workforce Training

---

The Contractor will use reasonable endeavours to assist employees to achieve full CSCS registration and NVQ Level 2 or equivalent and higher levels of qualification. Arrangements for on-site training, assessment and recording will be provided.

(Question 5 in the Method statement relates)

## 2.5. Training Plan

---

When requested by the trainee or their training organisation, a Training Plan will be maintained for each 'new trainee', using a pro-forma where this is provided. The Training Plan will be available for inspection by the Employer and its agents at any reasonable time.

## 2.6. Skills Forums

---

The Contractor will support the work of [insert the relevant industry training forum] established in the locality of the works.

## 2.7. Remuneration

---

Trainees and recruits will be paid in accordance with industry norms and have terms and conditions of employment that are at least equivalent to those provided to workers that have equivalent skills and experience.

The Contractor will use reasonable endeavours to increase the remuneration of trainees in line with their experience and productivity.

## 2.8. Supply-chain Opportunities

---

When requested by the Employer, the Contractor will:

- 2.8.1. take reasonable steps to participate in initiatives to identify and nurture additional supply-chain organisations based in or around the area where the development is taking place;
- 2.8.2. include supply-chain opportunities on the [Contract Shop] website [www.contractshop.co.uk] at least 7 working days before invitations to submit a tender or price are issued;
- 2.8.3. give consideration to firms registered with [Contract Shop], especially those located in and around the area where the development is taking place, when issuing invitations to tender or price for contract opportunities.
- 2.8.4. engage with Construct Wales before issuing the tender to give them an opportunity to liaise with and support SMEs.

## 2.9. Monitoring & Verification Information

---

Within four weeks of completion of each [4/13/26] week period (delete as required) following acceptance of the TR&T Method Statement by the Employer the Contractor will provide a Targeted Recruitment and Training Performance Statement setting out in relation to the period and the contract to date:

- 2.9.1. the number of weeks' employment provided to each new entrant trainee, including those on sites outside of the contract where this has been necessary to provide continuity of employment and training and where this has been agreed with the Employer;
- 2.9.2. the number of new entrant trainees retained in employment after the completion of their period as a 'new entrant trainee';
- 2.9.3. a schedule showing for each contractor and subcontractor:
  - the number of personnel starting on site in the period and cumulatively;
  - the number of vacancies notified to agencies named by the Employer;
  - [the number of people engaged on site in any capacity that have their main residence in one of the following postcode areas [ ] (enter the relevant 3 or 4 digit postcodes)] or [the postcodes of all people engaged on site in any capacity].
- 2.9.4. a schedule listing the firms invited to tender or price for subcontracts and supply contracts under 2.8 above and indicating which of these were successful;
- 2.9.5. [the total value of subcontracts and supplies contracts that have been awarded to firms with a [ ] (enter the relevant 3 or 4 digit postcodes) post-code] or [the post codes of all subcontractors and suppliers and the value of the contracts awarded to each].

For verification purposes the following documentation will be required by the Employer using pro-forma documentation provided:

- 2.9.6. a trainee recruitment notification signed by the trainee (to permit the provision of personal data to the Employer for contract monitoring purposes);
- 2.9.7. a trainee transfer notification where a trainee is moved between sites, or between employers engaged in the development; and
- 2.9.8. a trainee completion or termination notification.

## 3. Contractor and Subcontractor Compliance

---

The Contractor will develop a working method that will deliver the targeted recruitment and training requirements and supply-chain opportunities and related monitoring and verification data, and obtain the full cooperation of contractors and subcontractors in delivering these requirements.

## 4. Support

---

The agreement of a Targeted Recruitment and Training Protocol does not comprise or imply any promise on the part of the Employer or their agents to provide suitable trainees or labour. Any action taken by these bodies or their agents to broker relationships between the Contractor and local individuals/firms/agencies does not imply that they or their agents consider the individual/firm/agency as suitable for engagement by the Contractor. All recruitment, supervision and discipline responsibilities rest with the Contractor and subcontractors. Within this context the Employer will work with local agencies to help facilitate the achievement of the recruitment and training requirements.



..... (enter the Employer's name)

### ***Pro-forma Targeted Recruitment & Training Method Statement***

Title of contract .....

Name of Company .....

Contact Name .....

Position .....

Telephone number(s) .....

E-mail address .....

I confirm that this Method Statement sets out the actions that will be undertaken to ensure the achievement of the Employer's Targeted Recruitment & Training Requirements as agreed in the TR&T Protocol dated ..... . (enter the date)

Signed .....

(Print Name) .....

Date .....

*Ensure that information is provided in each of the following sections.*

## 1. Numbers of New Entrant Trainees

Please complete Table 1 in relation to the Tender

**Table 1 Person-weeks to be delivered by new entrant trainees (excluding work placements)**

Trade / occupation	Total Trainee-weeks and Trainees				Total Trainee-weeks	
	Apprentices		Other Trainees			
	P/wks	No	P/wks	No	P/wks	No

**P/wks – A person-week** is the equivalent of one person working for 5 days either on site, or through a mix of on-site work and off-site training. To provide continuity of training and employment this can include time on other sites with the agreement of the Employer.

**No** – enter here the number of trainees that will be recruited to deliver the p/wks.

**A new entrant** is a person that is leaving an educational establishment (e.g. school, college or university) or a training provider, or a non-employed person that is seeking employment that includes on-site training and assessment or offsite training, or a mix of these.

**An apprentice** is a person registered as an apprentice with an industry recognised body. Each apprentice can be counted as a 'new entrant' for up to [ ] weeks. (see footnote 3 in template 1).

**Other Trainees** – people that have a trainee contract or a contract of employment or self-employment that are not apprentices. Each 'other trainee' can be counted as a 'new entrant' for up to [ ] weeks (see footnote 3 in template 1).

## 2. *Work Experience Opportunities*

Show in Table 2 the number of Person-weeks that will be offered as work-experience opportunities. Some of these opportunities may not be utilised.

**Table 2. Work-experience Opportunities**

Occupation/Activity	No. Person-weeks
<b>Total</b>	

## 3. *Recruitment*

What arrangements will you make to recruit apprentices and other trainees from agreed sources?

## 4. *Support for Trainees*

What arrangements will you make to provide mentoring and support for trainees and work placements to ensure maximum retention and achievement of industry accreditation?

## 5. *Training Initiatives*

What training initiatives would you seek to utilise, and with which organisations, to maximise achievement of the TR&T requirements? What arrangements will be made for work-place recording and assessment?

## 6. *Notification of Vacancies*

What arrangements will you make to notify all vacancies to Agencies named by the Employer and provide time for applications from these sources to be considered?

## **7. Supply-chain Opportunities**

What steps will be taken to maximise subcontract and supply-chain opportunities for firms based in the area where the development is taking place?

## **8. Contractors and subcontractors**

How will you obtain the cooperation of contractors and subcontractors to ensure the delivery of the TR&T requirements?

## **9. Information**

How will you ensure that personal information on each 'new entrant trainee' can be provided to the Employer?

## **10. Management**

Who will be responsible for the delivery of the TR&T requirements on site and/or for the company?

## **11. Other Information**

Please provide here any additional information on how you would approach the implementation of the targeted recruitment and training requirements, including any innovative ideas.

## **12. Costs**

Please complete Table 3 in relation to the resources required to deliver the TR&T Requirements.

**Table 3. Summary of Targeted Recruitment & Training Resources**

Cost Item	£	Basis of calculation
Management and administration		
Training costs		
Additional site costs		
Mentoring and support activities		
<b>Total</b>		
<b>Sources of Funding and other Resources</b>		
Grants (e.g. from Construction Skills Wales)		
Existing company staff / overheads		
Trainee productivity		
Services from other external agencies		
<b>Total of additional resources</b>		
<b>Total</b>		Difference between Total cost and Total of additional resources. [This should be NIL] (remove bracketed text if a net cost is required)

Question 12 can be:

- removed if no cost information is required by the Employer e.g. because no additional payments will be made
- used to ensure a cost-neutral approach
- amended so that a net cost is shown e.g. under an open book accounting arrangement.

### Template 6 includes:

- a scoring framework to use when scoring bidders for contracts. It includes a suggested scoring mechanism.

The questions and the order of questions need to be **aligned** with the **TR&T Method Statement**. Consider what information is relevant locally.

**Readers should seek legal advice before use. For advice on including social inclusion measures in public sector contracts please contact the Value Wales Policy 'One Stop Shop' at [vwpolicy@wales.gsi.gov.uk](mailto:vwpolicy@wales.gsi.gov.uk)**

Contract Title ..... Bidder Name .....

Key Requirement Scores				Points		Guide to a good response
		Max	Act			
<b>Targeted Recruitment</b>	Will notify suitable TR&T agent	3				Name a TR&T agent that will meet client's aims
	State that have equality policy	1				Reference to a policy
	Provide or quote equality policy	1				Written evidence of a policy
	Check subcontractor equality policies	1				Say they have a process for checking that sub-contractors have equality policies
	Give examples of promoting equality	1				Refer to experience of encouraging applications from communities that are under-represented in their workforce
	Method for subcontractor compliance*	3				Say how they will ensure that sub-contractors notify all vacancies
	Sector Score	10				
<b>New Trainees</b>	Complete Table (1) correctly	2				Is there a range of occupations shown, and p/wks and numbers for each. Does the total add up correctly?
	Mix of apprentices and trainees	4				Does the mix of trainees look deliverable in relation to trainee supply and the costs/funding shown in Table 5.1?
	Spread across trades	4				Flow of trainees throughout the works, and opportunities for new entrants with different interests and capabilities
	Total Person-weeks	4				Does this represent 52 Person-weeks per £1m in contract value?



Key Requirement Scores				Points		Guide to a good response
			Max	Act		
	Adequate duration of traineeships		4			Person-weeks per trade divided by the number of recruits: is the duration of training in line with the definitions and trade training norms?
	Reference to training plans		3			Is there a commitment to planned in-service training?
	Mentoring and support		4			Description of support and mentoring to trainees. Training supervisor. Personal mentor. Regular progress reviews.
	Trainee management arrangements		2			Will there be a named supervisor or training manager? Will there be regular progress reviews? Will the training provider be involved?
	How to involve sub-contractors*		3			Will the developer/contractor employ the trainees? If not how will sub-contractors be involved e.g. contract requirement?
	<b>Sector Score</b>		<b>30</b>			
<b>Work Experience</b>	Complete table 2)		1			Is table 2.2 completed
	Total person-weeks		1			Does this represent 13 Person-weeks per £1m in contract value?
	Spread across trades		2			Does this provide opportunities in trades where there will be interest?
	<b>Sector Score</b>		4			
<b>SME Opportunities</b>	Will work with suitable Agency		7			Name a TR&T agent that will meet OMBC aims
	Say how they will maximise opps.		7			State the steps they will take to include three firms on each list
	Give example of current practice		4			Say how they currently seek to identify additional suppliers
	Give example of practice elsewhere		2			Say if they have been involved in similar schemes elsewhere
	<b>Sector Score</b>		<b>20</b>			

Key Requirement Scores				Points		Guide to a good response	
				Max	Act		
<b>Monitoring</b>	Info on staffing for monitoring			1		Say who in the organisation – clerical operative – will be responsible	
	State what verifiable output data they will provide			5		Refer to Quarterly report; trainee weeks provided; work experience weeks provided; firms from list invited to tender and outcome; accreditation obtained.	
	How will collect data from subcontractors?*			3		A process for obtaining trainee-weeks and postcodes from subcontractors e.g. through site security records or other 'returns'	
	Reference to data protection			1		Indicate that they understand the issue and will get employee agreement to provide personal data where necessary	
	<b>Sector Score</b>			<b>10</b>			
<b>Management</b>	Contact information provided			2		Are the contact details provided?	
	Information on experience			4		Information on the relevant experience of the named person e.g. contracts where they have delivered TR&T before	
	<b>Sector Score</b>			<b>6</b>			
<b>Funding Approach</b>	Table 5.1 completed			3		Are all sections of the table completed? Is the maths right?	
	Use of external resources			5		Are they maximising the use of external resources for training and job-matching?	
	Value of trainees' work shown			2		If the trainee's wages are included is their work given a value? (Score full if this does not apply)	
	<b>Sector Score</b>			<b>10</b>			
<b>Statement</b>	Understanding of the Councils objectives			3		Expression of support for the RMBC objectives	
	Commitment			3		Expression of their commitment to training, disadvantaged communities, SME opportunities	

Key Requirement Scores			Points		Guide to a good response
			Max	Act	
	Innovative ideas		4		Have they suggested any useful innovations
	<b>Sector Score</b>		<b>10</b>		
	<b>Total Score</b>		<b>100</b>		

\*Where there are no subcontractors are involved then the full points should be awarded.

Scoring undertaken by ..... (Print Name) .....

(Signature) .....

Date ..... Tel. No. ....

E-mail .....

Checked by ..... (Print Name) .....

(Signature) .....

Date ..... Tel. No. ....

E-mail .....

## Template 7 – Model Contract Clauses

### A. Standard Contract Conditions

#### Template 7 includes:

- contract clauses that are appropriate for use in most forms of contract when the contracting authority has incorporated the **basic TR&T requirements** from template 1 and used the TR&T **method statement** in template 2.
- Clauses that can be **modified** and **extended** to provide a system whereby the contractor(s) provide a method statement for individual call-off contracts under that framework.
- Contract clauses to be used when a **deposit sum approach** is used. This is of particular relevance to **development agreements**, and other situations where it is envisaged that the contract parties will change over the period covered by the contract.

Readers should seek legal advice before use. For advice on including social inclusion measures in public sector contracts please contact the Value Wales Policy 'One Stop Shop' at [vwpolicy@wales.gsi.gov.uk](mailto:vwpolicy@wales.gsi.gov.uk)

### 1. Definitions and Interpretations

Person-week	means the equivalent of one person being employed for five days either on the development site or through a mix of work on the development site and elsewhere
New Entrant	means a person who is <ul style="list-style-type: none"><li>• leaving an educational establishment or a training provider;</li><li>• a non-employed person that is seeking employment that includes training towards a construction industry recognised qualification and assessment at the development site or training elsewhere; or</li><li>• a mix of these</li></ul>
Other Trainees	means people who are not Apprentices but have a training contract and: <ul style="list-style-type: none"><li>• have a contract of employment; or</li><li>• are self-employed</li></ul>
Apprentice	Means a person registered as an apprentice with an industry recognised body

### 2. Creation of Training and Employment Opportunities

2.1 The Contractor shall actively participate in the potential for economic and social regeneration which results from a Project Specific Contract and shall deliver the requirements set out in the Contractor's Targeted Recruitment and Training Method Statement at Schedule [ ] to this Agreement.

2.2 The Targeted Recruitment and Training Method Statement may be modified at any time by mutual agreement between the parties.

2.3 The Targeted Recruitment and Training Method Statement shall include the following outcomes:

2.3.1 A minimum of 78 person-weeks of employment to be provided for a new entrant trainee recruited from a source agreed by the Client, for each £1m in contract value provided:

2.3.1.1 Where employment occurs on site further than five miles from the development site, transport to alternative sites shall be provided;

2.3.1.2 Apprentices may be counted for up to 104 weeks of employment;

2.3.1.3 New Entrants and Other Trainees may be counted for up to 52 weeks of employment.

## **2.4 Recruitment**

Every vacancy on site, including those with subcontractors, is to be notified to those agencies set out in Schedule [ ] to this Agreement, and candidates identified by those agencies are to have an equality of opportunity in the selection process.

## **2.5 Unwaged work experience**

The equivalent of 5 Person-weeks per £1m in contract value is to be made available as unwaged work experience opportunities. Some of these may not be utilised.

## **2.6 Remuneration**

New Entrants, Apprentices and Other Trainees shall be paid in accordance with industry norms and shall have terms and conditions of employment that are at least equivalent to those provided to workers that have equivalent skills and experience.

Employers are encouraged to increase the remuneration of New Entrants, Apprentices and Other Trainees in line with their experience and productivity.

## **2.7 Supply-chain Opportunities**

When requested by the Client, the Contractor shall participate in initiatives to identify and nurture additional supply-chain organisations based in or around the area where the development is taking place.

## **2.8 Monitoring & Verification Information**

Within four weeks of completion of each thirteen week period following implementation of each contract the Contractor shall provide the Client with a Targeted Recruitment and Training Performance Statement setting out in relation to the period and the contract to date:

2.8.1 the numbers of weeks' employment provided to each New Entrant, Apprentice and Other Trainee including those employed outside the development site where this;

- is necessary to provide the New Entrant, Apprentice or Other Trainee with continuous employment and training; and
- has been agreed with the client.

2.8.2 a schedule showing for each subcontractor:

- the number of personnel starting on site in the period and cumulatively;
- the number of vacancies notified to agencies named by the Client;
- the postcodes of all people engaged on site in any capacity, including the number that have their main residence in one of the following post-code areas [ ] [enter the relevant 3 digit postcodes].

2.8.3 a schedule listing the firms invited to tender or price for subcontracts and supply contracts under 2.8.2 above and indicating which of these were successful;

2.8.4 the total value of subcontracts and supplies contracts that have been awarded to firms with a [ ] [enter the relevant 3 digit postcode(s)] postcode.

2.8.5 a trainee recruitment notification signed by the New Entrant, Apprentice or Other Trainee permitting the provision of personal data to the Client for contract monitoring purposes;

2.8.6 a trainee transfer notification where a New Entrant, Apprentice or Other Trainee is moved between sites, or between employers engaged in the development;

2.8.7 a Trainee completion or termination notification.

## **2.9 Contractor and Subcontractor Compliance**

It is the Contractor's responsibility to develop a working method that will deliver the targeted recruitment and training requirements and supply-chain opportunities and related monitoring and verification data, and obtain the full cooperation of subcontractors and suppliers in delivering these requirements.

## **3 Support**

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The inclusion of targeted recruitment and training requirements does not comprise or imply any promise on the part of the Client or their agents to provide suitable trainees or labour. Any action taken by these bodies or their agents to broker relationships between the Contractor and local individuals / firms / agencies does not imply that they or their agents consider the individual / firm / agency as suitable for engagement by the Contractor. All recruitment, supervision and discipline responsibilities rest with the Contractor and subcontractors. Within this context the Client will work with local agencies to help facilitate the achievement of the recruitment and training requirements.

## ***Schedule [ ] – Creation of Training and Employment Opportunities- Method Statement***

***[Note: to be developed by reference to Bidder's proposals]***

## ***Schedule [ ] – Agencies notified by the Client pursuant to clause 1.3.2***

## **B. Contract Clauses for the Deposit Sum Approach**

### **3.1 Trainee Deposit sums**

- 3.1.1 the Contractor shall pay to the Employer a deposit sum of £[ ] ([ ] weeks at £[ ] per week) on the Specified Date;
- or
- 3.1.1 the Contractor shall pay to the Employer a deposit sum of £[ ] per new trainee week as set out in Table 1 in the TR&T Method Statement on the Specified Date;
- then
- 3.1.2 Within six weeks of receipt of each Targeted Recruitment and Training Performance Statement or receipt of acceptable supplementary information (whichever is the later) the Employer shall refund to the Contractor the deposit sum for each week of employment provided for a new entrant trainee in the period covered by the Performance Statement, plus interest calculated on a daily basis at the current base rate of [ ] Bank from the date the deposit is lodged with the Employer to the date of repayment;
- 3.1.3 If the Contractor is not entitled to a full repayment of the deposit due to under-achievement the Contractor may submit with their Performance Statement a request for a discretionary repayment of some or all of the balance of the deposit;
- 3.1.4 The Employer may make a discretionary repayment where it is satisfied that the Contractor used its best endeavours to achieve the targets;
- 3.1.5 The Employer must give a reply to the Contractor's request for a discretionary repayment within four weeks of the date of receipt of the request;
- 3.1.6 Any deposit sums and related interest retained by the Employer after the expiry of two reporting periods from the date of the most recent Performance Statement shall be used to support construction training initiatives in the area, provided always that the Employer has given four weeks' notice in writing to the Contractor that the remaining fund is to be used in this way;
- 3.1.7 The Contractor agrees to pay interest on sums due to the Employer under clause 2.6.1 but not paid on the Specified Date from the Specified Date until actual payment. The rate of interest shall be 4% above the base rate of [ ] Bank.

*The 'Specified Date' should be defined under the contract; this is often one week prior to implementation of the TR&T requirements [and each anniversary thereof].*

### **3.2 Assignment**

- 3.2.1 In the event of the Contractor disposing of some or all of its interest in the Agreement it is the Contractor's responsibility to recover a sum equivalent to any unclaimed deposit sums from the assignee or other replacement contractor and advise the Employer of the name of the organisation that is entitled to reclaim the deposit sums on the basis of subsequent Performance Statements.
- 3.2.2 For the avoidance of doubt in the event that the Contractor is a substitute Contractor who has been appointed in place of the original Contractor it shall only be liable under this Agreement in relation to that part of the services and works in respect of which it has been appointed substitute Contractor.