

include YOUTH

**Response to
Belfast City Council's Consultation on its
'Policy on the Use of Social Clauses in Council Contracts and Equality
Screening Document'**

***'Thinking outside the box - Using Social Clauses to create
employment opportunities for Care Leavers'***

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Include Youth welcomes Belfast City Council's commitment to using social clauses in its public procurement to deliver positive outcomes for the people, communities and the economy of Belfast. We believe that this policy has significant potential to deliver quality employment outcomes for young care leavers, an extremely disadvantaged and often overlooked group of young people.

Care leavers are at least twice as likely to be not in education, training or employment (NEET) as young people in the general population. They need all the help and support they can get to benefit from education and training and move into sustainable employment. Belfast City Council has an important role to play in helping them to do this, and its new policy on Social Clauses provides it with a key mechanism.

SUMMARY OF RECOMMENDATIONS

1. Belfast City Council should revisit its decision to screen out its draft Social Clauses policy and conduct a full Equality Impact Assessment. Care leavers are disproportionately represented within a number of Section 75 categories and also have multiple identities that cut across a number of section 75 grounds. The considerable amount of data in relation to the unequal outcomes that are experienced by care leavers across a range of domains should be considered in that EQIA.
2. Care leavers should be explicitly named as a target group which should benefit from this policy. They should be named in the examples given and added in to the first two bullet points in Section 6 on Outputs.
3. The policy should make it clear that Belfast City Council is committed to the inclusion of social clauses in all public procurement contracts for supplies, services and construction at every opportunity. This should form the Council's default position and any move away from this should require full and proper public justification.

4. The limiting of the application of the Social Clauses policy to contracts with a labour value of £250,000 and contract duration of at least 6 months should be removed. The Council should think more creatively and imaginatively around how it can ensure that all of its public expenditure delivers employment outcomes for disadvantaged communities and groups such as care leavers.
5. All type of procurement contracts should incorporate social clauses.
6. The Council should draw on the considerable guidance on best practice that exists both at EU and domestic levels. Particular weight should be given to the CPD/ECNI Guidance on Equality of Opportunity and Sustainable Development in Public Procurement, and the more recent 'buy social' toolkit released by the Strategic Investment Board.¹ⁱ
7. Belfast City Council's accompanying guidance on monitoring implementation of social clauses and dealing with non-compliance by contractors should be made available forthwith to consultees and adequate additional time provided for them to comment on this guidance.²
8. The policy should include a section on partnership working which should cover the role of relevant stakeholders in supporting individuals to realise the benefits from the provision of social clauses as well as the Council to deliver on its policy. Such support and assistance could include with recruitment and selection, mentoring and support as well as provision of expertise advice and guidance.

² Available here: <http://buysocialni.org/sites/default/files/Buy-Social-Toolkit.pdf>

Context and background

Include Youth welcomes the opportunity to respond to this consultation. We also welcome Belfast City Council's commitment to using social clauses in its public procurement to deliver positive outcomes for the people, communities and the economy of Belfast, as articulated in its 2011-2015 Investment Programme.

We believe, based on evidence drawn from our extensive practice and policy advocacy work with and on behalf of young people in and leaving care, that Belfast City Council's Policy on the use of Social Clauses in Council Contracts has significant potential to deliver quality employment outcomes for this group of extremely disadvantaged, and often overlooked, young people. With the increased powers currently being transferred to Councils in respect of regeneration and planning also come increased opportunities to provide employment opportunities for young people.

While the challenges faced by the population of care leavers in Belfast City Council's administrative area are very significant, as is reflected in data provided further down in this submission, the numbers of young people in question are not large. Recognising that Belfast City Council straddles more than one Health and Social Trust administrative area, in the Belfast Health and Social Care Trust area alone there are slightly over 300 care leavers aged 16-21 years. On average approximately 30% of these will be unemployed or 'NEET', although it should be noted that the level of engagement in education, training and employment is quite a bit higher for 18 year olds than 19 -21 year olds.

The opportunities available to this group of young people in the employment field are scarce. Despite a recent drop in the levels of unemployment overall, the rate of youth unemployment has remained stubbornly high, at in or around the 20% mark. In addition Northern Ireland has a higher rate of young people classified as not in education, training or employment (NEET) than other jurisdictions, with approximately 32,000 of 16-24 year olds or 14.8% (UK average 13.3%) being in this category.

The cost to the individual young person of being 'NEET' is extremely high, with research evidencing higher levels of mental health problems, social isolation, political alienation,

lower earnings and wage scarring over a lifetime. The recently released Prince's Trust Macquarie Index 2015 found that more than half of unemployed young people felt anxious about everyday situations, with over 30% feeling too anxious to leave the house.³

The particular circumstances of Northern Ireland, as a society emerging from conflict, without question contributes an additional dynamic that all too often impacts negatively on the daily lives of vulnerable young people in particular.

There is also a very significant wider social and economic cost to society as a whole. These costs include loss of potential tax revenues, increase in social welfare payments, and increased costs to the health, housing and criminal justice systems amongst others. The AVECO Commission on Youth Unemployment calculated the net value of cost to the Treasury for the decade ahead to be £28 billion.⁴

Clearly then, unless the serious issue of youth unemployment is addressed it threatens to undermine Belfast City Council's vision of making the city a better place to live, work, visit and invest. Tackling youth unemployment must be at the forefront of Belfast City Council's investment and development plans. We applaud steps already taken by the Council to address this issue including, but by no means limited, to the introduction of its bursary scheme to support 16-24 year olds to move into FE, training and employment.

Taking the opportunity afforded by this consultation, we are now urging the Council to give serious consideration to our proposals and recommendations so as its policy on Social Clauses can make an effective contribution to reducing the numbers of young care leavers who are unemployed or economically inactive.

Include Youth

Include Youth is an independent, human rights based non-governmental organisation with over 30 years' experience in actively promoting the rights, best interests of and best practice with disadvantaged and vulnerable children and young people. We work across Northern Ireland and have offices in 6 different locations, including our head office in Belfast's Rosemary Street. We provide a range of employability programmes and services as

³ http://www.princes-trust.org.uk/PDF/Youth_Index_2015_Report.PDF

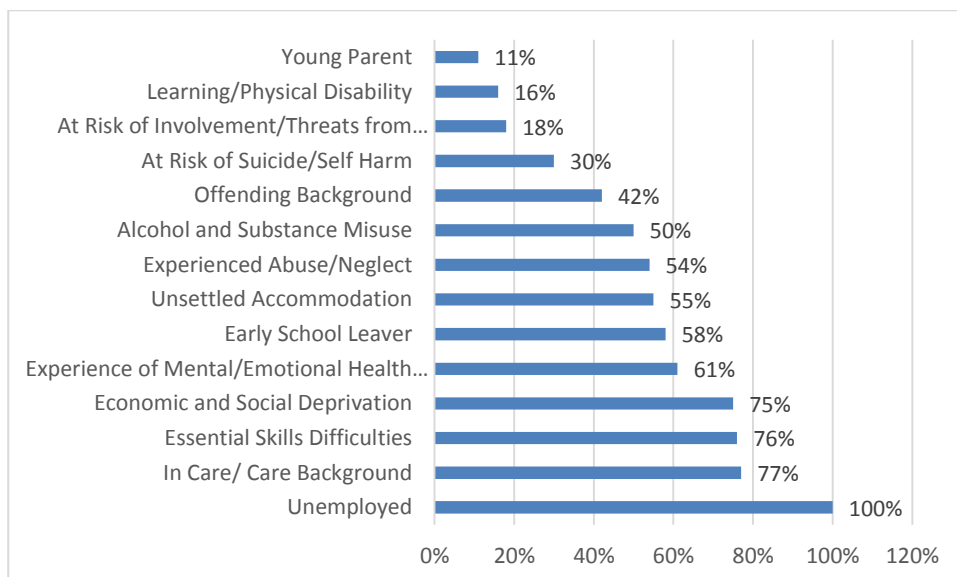
⁴ AVECO (2012) Youth Unemployment: the Crisis we Cannot Afford

well as engaging in policy advocacy work in the areas of youth employability and youth justice, all with the aim of addressing the significant inequalities experienced by young people in or leaving care.

Our flagship employability programme is the Give and Take programme, currently funded under the 2007-2014 European Social Fund programme. It is a pre-vocational employability programme which aims to improve the employability and increase the self-esteem and confidence of vulnerable young people who are not ready to participate in mainstream training and education. It is primarily, although not exclusively targeted at 16-21 year old care leavers. In the Belfast City Council area young people are referred to the programme by the Belfast and South Eastern Health and Social Care Trusts. Belfast City Council has delivered the Activate programme, the physical activity component of our employability programme over several years. It has also provided valuable work tours, work experience and work placements for programme participants.

Figure 1 demonstrates the profile of programme participants, highlighting the many and complex problems care leavers as a group tend to experience, all of which act as significant barriers to gaining employment.

Fig. 1: Give and Take Participant Profile



In addition to our core programmes we also deliver a range of other employability programmes. We are contracted to deliver employability services for care leavers age 16 plus by two Trusts, including for the Belfast Health and Social Care Trust in partnership with Start 360. Include Youth's role is focused upon employer engagement activity and facilitating work experience / placement opportunities for young people and / or helping them to source and secure work.

We work in collaboration with a number of community organisations working in disadvantaged areas to deliver employability programmes for marginalised young people. For example, in the current shadow Belfast City Council area we operate the START project with Youth Initiatives in Poleglass. We also operate a business mentoring project, 'Aiming Higher', for young care leavers, in partnership with Business in the Community (BiTC).

Over the last few decades Include Youth has built up considerable practice expertise around what works most effectively in improving the employability of care leavers and supporting them into sustainable employment. In addition to our practice based work, at the policy advocacy level we have researched and promoted the potential of social clauses as a positive action measure to help deliver employment outcomes for care leavers.

Our response to this consultation is directly informed by all of the above experience, expertise and evidence.

Inequalities experienced by care leavers

The majority of young people we work with and for are in or leaving care or are on the edges of the care system. Despite positive efforts made by DHSSPS, DEL, DOJ and OFMDFM amongst other government departments, the outcomes being achieved by care experienced young people in education, training and employment compare extremely unfavourably with their peers in the general population. Care leavers experience significant levels of inequality across a range of domains. Figure 1 provided a profile of care leavers on Include Youth's

Give and Take programme. This profile is reflected in the wider statistics for the care leaver population as a whole. Latest DHSSPS⁵ statistics show that:

- Just under a quarter (19%) of care leavers had been subject to a Statement of Special Educational Need (SEN) compared with 4% of the general school population
- 12% of the population of 16-18 year old care leavers have a disability compared to 6% of that age group in the general population
- Only 21% of young people from a care background obtained 5 GCSEs (grades A* -C) or higher, compared with 79% of general school leavers
- The proportion of care leavers leaving school with no qualifications was 28%, over 15 times that for the general school population
- 16% of all 19 year olds were parents, compared to 4% of all young people that age.
- 23% of 16-18 year olds and 36% of 19 year olds are NEET. This compares unfavourably with 14.8% or 32,000 of all 16-24 year olds for period April – June 2014. It is worth noting that overall levels of youth unemployment in Northern Ireland have remained stubbornly high.

There is also a strong correlation between levels of deprivation and being taken into care. DHSSPS data reveals that for those children where geographical information was available, **a higher proportion had been living in the most deprived areas of Northern Ireland before last entry into care (44%) than after leaving care (35%).** Further analysis showed that half the care leavers (50%) were living in an area of same deprivation rank when leaving care as before last entry into care. Furthermore, one fifth (21%) had moved into an area ranked of higher deprivation whereas a slightly larger proportion (28%) had moved into areas ranked with less deprivation. We know that Belfast City Council contains those areas with the highest levels of multiple deprivation; according to the NI Neighbourhood Information Service, in 2010 Belfast contained 19 out of the top 25 most deprived areas in Northern Ireland.⁶

⁵ DHSSPS (2015) NI Care Leavers Statistical Bulletin 2013-2014 (January 2015)

⁶ NINIS Multiple Deprivation Measure 2010: 25 Most Deprived Super Output Areas

Unsurprisingly then, given the levels of underlying deprivation and the barriers they experience in education, training and employment, evidence also shows that care experienced young people are over represented in the youth justice and criminal justice systems : approximately one in three young people in custody are from a care background.

Equality Screening

It is abundantly clear from the evidence above that care leavers are disproportionately represented in within a number of Section 75 equality categories, including disability, age and dependents, as well as having multiple identities that cut across all of the Section 75 grounds. **We were very surprised therefore that this data, which is readily available, was not considered and a full Equality Impact Assessment of the draft policy triggered.**

We would urge Belfast City Council to revisit its decision to screen out this draft policy and to conduct a full EQIA before progressing further. Such a process, drawing on all of the available data, including in relation to unequal employment outcomes being achieved by care leavers, would ensure that the final policy is drafted and targeted in such a way as to address such enduring and deeply rooted inequalities for a very vulnerable group of young people within Belfast City Council.

Outputs being sought from the policy

As argued above we believe that Belfast City Council's public spend has the potential to deliver direct employment benefits to care leavers as well as indirect social benefits to society as a whole. However, unless care leavers are specifically recognised as being a) among those furthest away from the labour market and b) facing the most significant barriers to accessing it, there is a very real danger that Belfast City Council's social clause policy will fail to benefit this small but extremely marginalised group of young people.

We therefore recommend that care leavers should be explicitly named in the examples given, added in to the first two bullet points as follows:

- *'creating employment opportunities for disadvantaged and underrepresented groups such as the long term unemployed, young people, **care leavers...** etc.*

- *“providing work placements and skills development for young people, including care leavers”*

The aims of the policy

We are concerned that the language used in this section of the document, and at other points throughout, is not definitive enough. The use of phrases such as ‘where practicable’ (1.1), ‘appropriate social clauses’ (2.7) ‘whenever possible’ (4.1.3) serves to weaken the overall aim and intent of the policy.

We recommend that, similar to the Programme for Government commitment to include social clauses in all public procurement contracts for supplies, services and construction, **the Council’s Social Clause policy should provide a commitment to include social clauses at every opportunity**. This should in effect form the default position of Belfast City Council and any decision to depart from this position should require full and proper justification to Councillors, with such information also being made publicly available.

When should the policy be considered?

We note that the consultation document states that *“as a minimum, contracts with a labour value of £250,000 and contract duration of at least 6 months are to be screened for the inclusion of social clauses”*. (emphasis added). We believe that this threshold for triggering consideration of inclusion of a social clause in contracts should be removed. While it may well be in line with the Construction Industry Forum’s Guidance, we are aware that this guidance is now out of date pending a review. We would urge the Council to think more creatively and imaginatively around how it can make all of its public spend deliver equality outcomes for marginalised groups such as care leavers.

Types of contracts appropriate to the policy

The draft policy appears specify that only certain types of contracts will be appropriate to this policy, noting that *“ straightforward supply contracts, for example, will not be able to accommodate skills, training or employment opportunities”*. Again we would urge the Council to adopt as its default position that all procurement contracts must incorporate social clauses. The recently launched Strategic Investment Board’s ‘Buy Social’ toolkit notes

that “it may not be possible to seek social benefits from some contracts but ensure you have given the possibility consideration”.⁷ There are many examples of good practice where public sector bodies have thought ‘outside of the box’ to incorporate social clause requirements into all types of contracts, including supply contracts.

Examples of good practice

The Executive Summary to the consultation document notes that social clauses are ‘*still in their infancy as a concept*’. While this may be more the case for the District Councils, there has in fact been considerable expertise developed in the public sector both in NI and across the UK, for example in the Department of Culture Arts and Leisure’s Ravenhill Stadium development.

As the corporate parent of looked after children and young people, the NI Health and Social Care Trusts have also included a number of social clauses targeted at care leavers to date – these clauses include specific opportunities for workplace tours, work placements, apprenticeships and ring-fenced employment opportunities. Via such ‘positive action measures’ Include Youth has gained significant experience assisting care leavers into and to sustain employment. For example, the ring-fenced employment scheme has seen 38 young people in care gaining paid employment in the Belfast Trust since mid-2011. As is detailed further on in this response, Include Youth can say with confidence that care leavers could benefit from such opportunities – given the experience gained in developing/delivering - but *most* importantly due to the range of specific supports available before, during and after successful entering an opportunity.

In addition there is considerable guidance in existence from both the EU and domestic levels. The consultation document notes at paragraph 3.3 that EU Procurement law permits the inclusion of social and environmental requirements as contract conditions provided they are compatible with EU law. In this regard it is worth noting that the most recent EU Directive, the ‘New Directive’ reinforces and makes more explicit the fact that social characteristics can be considered as award criteria. This directive is due to be transposed into domestic law imminently. Also, while not binding on local councils, a number of guidance notes issued by the Central Procurement Directive are very helpful for the

⁷ Strategic Investment Board (2015) Buy Social – A Practical Guide to socially responsible public procurement

guidance they provide around inclusion of social and equality considerations into procurement processes. Of particular significance are the Central Procurement Directorate's Guidance Note on Integrating Social Considerations into Contracts⁸ and the joint Equality Commission / Central Procurement Directorate's Equality of Opportunity and Sustainable Development in Public Procurement⁹.

Monitoring Social Clauses

The consultation document makes reference to accompanying guidance on monitoring to be provided to Council officers; however this guidance is not made available to consultees. This makes it impossible to comment in any meaningful way on the Council's plans for monitoring.

We would request that this document is made available and consultees given a proper opportunity to comment on it.

Effective monitoring of the delivery of social clauses within contracts is absolutely critical to enabling Belfast City Council determine whether its policy is being fully implemented and producing concrete results in terms of employment outcomes for those individuals and groups most disadvantaged and furthest from the labour market.

The experience of central government and social clauses in this regard is a salutary one. In a recent evidence session with the Finance and Personnel Committee, the Director of the Central Procurement Directorate, Mr. Des Armstrong admitted that there are very serious difficulties with obtaining monitoring data from government departments, with some departments failing to submit any data at all.¹⁰

In light of this it is clearly critical that this aspect of Belfast City Council's Social Clause Policy is watertight, with strong and effective mechanisms in place to address non-compliance. It is concerning that the document simply states 'consideration needs to be given to how non-compliance will be addressed'. **Non-compliance with any condition of a contract should be**

⁸ Central Procurement Directorate (2013) Procurement Guidance Note PGN 01/13 Integrating Social Considerations into Contracts

⁹ Equality Commission NI and Central Procurement Directorate (2008) Equality of Opportunity and Sustainable Development in Public Procurement

¹⁰ Committee for Finance and Personnel Hansard , Public Procurement – Social Clauses: Department for Finance and Personnel 4 February 2015

treated as a breach of that contract with serious consequences. Further details on dealing with non-compliance, which the consultation document states are included in the accompanying guidance, must be made available to consultees to assess and comment on.

How to successfully target and support care leavers to benefit from social clauses

In the section on Social Requirements in Appendix 2 of the consultation document, reference is made to the contractor being required to liaise with Belfast City Council, DEL **and/or any organisations identified by Council** to agree the approach for the communication and promotion of employment, student, placement and apprenticeship opportunities provided through the contract'. (emphasis added).

Include Youth welcomes the inclusion of this requirement as it is often only through trusted community and voluntary sector organisations that disadvantaged and marginalised communities can be reached by public or private sector employers. However, we recommend that the potentially much greater supportive role that can be played by community and voluntary sector providers from the start to the end of the process should be harnessed. There are already examples in existence, both in Northern Ireland and elsewhere, where such a model has been successfully applied.¹¹

As has successfully already happened in instances where Health Trust clauses have specifically included care leavers, the management of any additional requirements in a contract for care leavers can be delivered by the Health Trusts Employability Services, at no additional financial or other resource cost to the contractor. The Employability Service can offer a package of supports including assistance with recruitment and selection, mentoring, access to expert advice and an experienced support worker.

The Social Clause policy, recognising that the Council does not have the necessary expertise, should include a section on Partnership Working, which should cover recruitment and selection as well as mentoring and support and should commit to the use of innovative models of delivery in this regard.

¹¹ Tackling Poverty Through Public Procurement. Richard McFarlane with Anthony Collins Solicitors. The Joseph Rowntree Foundation. 2014 Case Study 5.

Next steps

Include Youth wishes to be kept informed of and involved in the ongoing development of this important policy. In particular would welcome an opportunity to meet with the relevant Council officials and Councillors to discuss our submission in more detail.
