

## EXAMPLE

### Good tender responses

Please consider these examples alongside the [Best Practice Guidance on Open and Evaluate Tenders](#), and other [Tools](#).

These five short extracts are illustrative examples of good tender responses to a Fair Work criterion across a range of contract types, with an explanation of why they are good. The final example illustrates some of the common weaker elements of responses to a Fair Work criterion.

## Services Contract

Short extracts from a good Fair Work response	Why the response is good
Bidder has signed the Scottish Business Pledge, is paying the real Living Wage and has committed to no inappropriate use of zero hours contracts, workforce engagement, balanced workforce, investment in youth and prompt payment	By signing the Scottish Business Pledge, the bidder has demonstrated a clear Fair Work commitment to its staff by implementing elements of Fair Work, including the payment of the real Living Wage, across the whole organisation.
Bid describes an organisational focus on positive contributions to society and the environment through community involvement and employment policies and actions	These factors can help motivate staff that the company they work for is committed to involving the staff in making a positive contribution to society, attracts young talent and values its approach to employment practices.
Bid describes bidder's commitment to better business and ethical practices which aim to create a great place to work	
Bid describes a program of developing business solutions with a focus on motivating its people, attracting talent and reducing churn	
Supplier is actively involved in charity work, which involves staff, including staff awards for personal commitment to help it become a sustainable leader	Measures describe a proactive approach to considering ethical and equalities matters.
Supplier continues to challenge social agendas including the gender pay gap and gender balance, diversity, maternity, rights for fathers, and the stretch generation, including those looking after children and parents	
The supplier measures employee attitudes and engagement by offering channels for staff communication and feedback to give staff an effective voice to raise concerns in a transparent and where necessary confidential manner	Has measures in place to provide staff with an effective voice which encourage an open and fair environment where staff can be listened to and influence change.

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<p><b>Values flexible working as a contributor to performance improvement</b></p>	
<p><b>Bidder recognises that staff retention is understood as an important part of the business ethos and a commitment to provide continuous development opportunities</b></p>	<p><b>Value staff attitudes and retention as actions which will contribute to improved service quality.</b></p>
<p><b>Strong diversity policy, which goes well beyond what is legally required, for example:</b></p> <ul style="list-style-type: none"> <li>• <b>Supplier has developed a women’s network;</b></li> <li>• <b>equal pay audits are undertaken ;</b></li> <li>• <b>work life balance and policies are in place and are promoted;</b></li> <li>• <b>enhanced maternity &amp; paternity policy; and,</b></li> <li>• <b>representation of different groups across the workforce</b></li> </ul>	<p><b>Positive policies which staff value, promote respect and can have a positive impact on the quality of the service and which can help advance equality of opportunity between people who share a protected characteristic and those who do not.</b></p>
<p><b>Bid recognises the value of home working as delivering employee contentment, customer satisfaction and a reduction in operating cost</b></p>	

# Catering Contract

Short extracts from a good Fair Work response	Why the response is good
<p>The bid describes the bidder’s commitment to lifecycle of staff from recruitment, through development and fostering team spirit. A people orientated organisation with policies in place and available on website, to develop every employee to the maximum of their abilities</p>	<p>Understanding of how workforce recruitment, development and opportunities promote staff retention and therefore the quality of service.</p> <p>Describes the benefits of paying the real Living Wage and other performance related incentives for staff and why this improves the quality of the service being delivered.</p> <p>Recognition that pay is not the only motivator of staff, that development and engagement ensure staff feel fulfilled and can contribute to success of the business including quality of service.</p>
<p>5 commitment areas:</p> <ul style="list-style-type: none"> <li>• Recruiting – Inspire people to join the company and ensuring the right match for the job;</li> <li>• Welcoming – Welcome pack and induction programme. Manager specific welcome information and training. Access to training toolkit and best practice skills training. Feedback on welcoming experience;</li> <li>• Living – Strong open two-way communication. Tailor careers to personal lives. Inclusive environment where all staff are respected;</li> <li>• Growing – Staff growth and development is the organisational priority. Listen to staff – their aspirations and needs;</li> <li>• Rewarding – Celebrate achievements, personification of company values and provide incentives for staff to benefit from company growth</li> </ul>	
<p>The bid describes the organisation’s commitment to paying the real Living Wage and the benefits it brings including improved staff engagement; recruitment and retention which reduces recruitment costs; improved productivity; reduced absenteeism; lower staff turnover and improved talent</p>	
<p>Offers pensions, flexible benefits, childcare vouchers, enhanced maternity/paternity pay (going beyond legal requirements), cycle to work scheme (promotes staff health and wellbeing), and discounts</p>	<p>Offers incentives beyond pay to motivate staff and help make them feel valued.</p>
<p>Bid offers flexibility in the workplace including career break policy; work life balance policy; permanent contracts; no zero hour contracts</p>	<p>Understanding of how a flexible but secure working life is beneficial to individuals enabling them to have a work life balance.</p>
<p>The supplier has a women in work employee network to increase inclusiveness and enhance women’s professional and personal growth</p>	
<p>Dedicated recognition team who undertake on-going research with staff to ensure recognition tools are relevant and motivate staff e.g. star of the month and service loyalty</p>	<p>Goes above and beyond legal requirements for equality and diversity and takes a forward thinking approach to promoting women in the workplace.</p>

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<p><b>Mechanisms in place to give staff an effective voice: including asking for feedback and suggestions on issues and areas of concern, and how to solve them, including: team huddles; company intranet; weekly brief; stars magazine celebrating staff achievements; managers magazine; ask the CEO and employee engagement survey</b></p>	<p><b>Providing mechanisms to give staff an effective voice and be heard improves respect and promotes openness and transparency in the workplace.</b></p> <p><b>Highlighting successes, will help staff feel valued in the work they do and be motivated to continue to deliver high quality service.</b></p>
<p><b>Annual employee performance appraisals with 6 month reviews</b></p>	<p><b>There is also an opportunity for staff to raise concerns and feed these into making improvements to the workplace and the service which can make a difference.</b></p>
<p><b>Investors in People (IIP) Bronze status highlights commitment to learning and development of staff and how the organisation manages and engages with its staff</b></p>	<p><b>Offers a large range of opportunities for training and development to suit everyone's needs which are available to all. The IIP award is a clear indication of how the organisation is committed to investing in its staff and their development.</b></p>
<p><b>The supplier adopts a range of flexible learning and development programmes including: onsite technical training; competence training; apprenticeships and modern apprenticeships; learning pathways; and business training</b></p>	

## Goods Contract

Short extracts from a good Fair Work response	Why the response is good
<p><b>Commitment to pay the real Living Wage to all Scottish employees by the start date of the contract</b></p>	<p><b>Payment of the real Living Wage, along with other employee key benefits resulting from direct employment shows a clear commitment to its workforce. These can promote staff retention, attract young talent and provide employees with a good work life balance</b></p>
<p><b>Other key staff benefits provided include: long service awards; national benefits scheme; employee assistance programme; private health insurance; employee discount scheme; career breaks; flexible working – including location and working hours; and an annual employee engagement survey</b></p>	
<p><b>Terms and conditions for employees are ethical (audited by the external quality assessment audit body as part of ISO9001) and designed to ensure retention of a quality work force</b></p>	<p><b>This goes beyond the legal minimum and could help reduce staff turnover which promotes continuity of the workforce</b></p>
<p><b>0.9% of workforce on zero hour contracts and these are only operated where they are beneficial to the employee. No insistence on exclusivity and an ethical policy on zero hour contracts is in place</b></p>	<p><b>By providing data it makes clear that these types of contracts are uncommon. It also highlights that the workforce has a degree of security of employment</b></p>
<p><b>Commitment to reintroduce a modern apprenticeship programme across the business in conjunction with Skills Development Scotland and will employ two junior account managers as modern apprentices</b></p>	<p><b>Offers a range of training and development opportunities to up skill and motivate its staff which in turn improves the ability of the staff to perform the contract</b></p>
<p><b>The supplier operates a university programme designed to ensure it offers career advancement to its workforce. Working in conjunction with several universities, they have tailored learning courses with business related specific case studies</b></p>	
<p><b>Staff are rewarded through internal schemes in recognition of their efforts</b></p>	
<p><b>A monthly values award is in operation that recognises employees who have excelled to provide positive outcomes to both internal and external customers</b></p>	

# Care Services Contract

Short extracts from a good Fair Work response	Why the response is good
<p>The Fair Work practices of the organisation are monitored at board level to ensure they are implemented at all levels of the organisation to embed a culture and ethos of fairness and integrity.</p>	<p>Strong commitment to staff engagement policies which are supported and embedded at all levels of the organisation.</p> <p>These policies promote respect and by providing training and development opportunities staff can deliver a higher quality of service.</p> <p>Shows a clear understanding that staff may require assistance during more difficult times and has a number of mechanisms in place to ensure the health and wellbeing of its staff.</p> <p>Competitive salary / terms and conditions, and pay the real Living Wage. No zero hour contracts and a high percentage on permanent contracts shows a commitment to security of employment. Security</p>
<p>Staff are valued and supported and have a voice at board level to influence the decisions and policies of the company. There are mechanisms to capture learning and input from staff to help day to day running of the service</p>	
<p>Robust recruitment processes with a focus on supporting underrepresented staff, clear progression and career planning, structures in place and opportunities for young adults to develop career, which can involve working for a professional qualification</p>	
<p>Formal process and procedures to support Fair Work practices: staff handbook – policy, practice and process; flexible working policy; and a dispute resolution process agreed by trade unions which has been communicated to staff.</p>	
<p>Robust monitoring mechanisms to ensure staff rotas are realistic regarding travel time, poor weather etc., no excessive hours across different services</p>	
<p>Supportive culture, for example offering support during sickness, returns to work and outside work support in circumstances of family illness, divorce, death with increased leave where necessary. Also offer working groups and 1:1 support.</p>	
<p>Employee Assistance Programme – legal, financial and medical advice</p>	
<p>Awards: Gold Award in Investors in People; Healthy Working Lives Gold Award; European Foundation for Quality Management for Excellence Award</p>	
<p>Flexible and secure employment contracts, including part time, full time and job share contracted hours</p>	
<p>Data included in the bid to support policy of no zero hour contracts; 89% of staff in area on permanent contracts in local authority areas, with staff survey results attached</p>	

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<p><b>Competitive salary and terms and conditions, including paying the real Living Wage</b></p>	<p><b>can result in lower staff turnover and thus continuity of service</b></p>
<p><b>Regular 1:1 staff supervision, which provides the opportunity:</b></p> <ul style="list-style-type: none"> <li>• to acknowledge good performance;</li> <li>• for constructive improvement and agreed action plans; and</li> <li>• for monitoring and addressing concerns including stress</li> </ul>	<p><b>Can help to ensure staff feel comfortable in their role and are supported throughout, are developed on the job to improve performance</b></p>
<p><b>Robust formal training including induction, e-learning, shadowing, refresher training and they offer SVQ relevant qualifications. Partnership with local FE centre and schools.</b></p>	<p><b>These factors can help motivate and develop staff which improves skills and staff retention. This helps to attract talent and improve service quality</b></p>
<p><b>Career progression planning through formal mechanisms (supervision, annual appraisal, daily line manager contact, HR support)</b></p> <ul style="list-style-type: none"> <li>• specific training and qualifications for role they aspire to;</li> <li>• assigning specific agreed tasks or project work to develop staff;</li> <li>• senior support workers and team leaders shadowing managers to learn role before committing to training for it via formal trainee manager programme;</li> <li>• trainee service manager roles and secondment to role; and</li> <li>• gender balanced board</li> </ul>	
<p><b>Employee engagement strategic planning workshops; employee forums – concerns, issues, good practice and ideas on how to improve; staff suggestion scheme; positively engaging trade union and/or other reps to support individuals</b></p>	<p><b>These mechanisms provide staff with an effective voice to air concerns which can help improve service delivery as they are the ones with first-hand knowledge and experience</b></p>
<p><b>Also includes a case study – details a return to work following illness:</b></p> <ul style="list-style-type: none"> <li>• Manager support – phone calls and home visits;</li> <li>• Employee Assistance Programme (including the offer of counselling);</li> <li>• Occupational Health;</li> <li>• Offered a different role to suit her specific needs; and</li> <li>• Phased return</li> </ul>	<p><b>Case study makes the Fair Work practices of the organisation real and draws out exactly how much it values its staff and how it will support them in ways which meet the needs of the individual</b></p>

# Construction Contract

Short extracts from a good Fair Work response	Why the response is good
Supplier used the Fair Work Framework to develop their employee policies and has been at the forefront of equality and diversity practice in the construction industry	<p>An understanding of how an organisational commitment to a range of Fair Work policies is beneficial to its staff and pivotal to its continued business success</p> <p>Security and flexibility of employment and mechanisms to ensure that where non-permanent contracts are necessary those temporary workers have opportunities to develop and help them to achieve permanent employment</p>
Construction Industry Training Board Be Fair accredited, a construction specific equality standard which gives a structured approach to address fairness, inclusion and respect	
Has a group wide plan for fairness, respect and inclusion which is reviewed annually and ensures continuous improvement	
Progressive workplace policies are in place which improve productivity and innovation and include action plans to promote equality and fairness	
<p>Open, fair contracts / stability of employment to meet individual needs:</p> <ul style="list-style-type: none"> <li>• Strive to be employer of choice;</li> <li>• Permanent full and part time ;</li> <li>• Flexibility; and,</li> <li>• Where fixed term/temporary contracts used to meet short term business resilience needs, the supplier ensures staff have access to training opportunities</li> </ul>	
Open and transparent communications and assistance for staff when under TUPE Regulations	Mechanisms in place to ensure staff have an effective voice, which promotes respect and staff value in the workplace.
Staff voice, engagement and lifelong learning through: biannual surveys; staff forums; reporting systems to raise concerns, observations and health and safety near misses	<p>These elements go beyond legal health and safety requirements to promote the health and wellbeing of the workforce. By supporting staff through more difficult times the staff may be better placed to manage stress and other personal matters</p>
Active trade union and senior management partnership working arrangements in place	
<p>Health, Safety and Wellbeing:</p> <ul style="list-style-type: none"> <li>• Initiatives to promote healthy eating, care, exercise, including annual staff challenges;</li> <li>• Support including a free anonymous helpline</li> </ul>	
Employment Equality Plan includes: recruitment; monitoring mechanisms and training on equality / diversity	Equality policy and practices go beyond legal requirements.

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<p><b>Working towards paying the real Living Wage for all employees and subcontractors. Have an equal pay policy. Complies with collective bargaining agreements. Active links to trade associations</b></p>	<p><b>Although not currently paying the real Living Wage, it is an aim of the contractor and should be considered as a positive commitment and is an opportunity support progressing to paying the real Living Wage during the delivery of the contract</b></p>
<p><b>Monitor supply chain and commit them to their processes</b></p>	<p><b>By having mechanisms in place the contractor can help ensure that throughout its supply chain Fair Work practices are adhered to</b></p>
<p><b>Training specific to individual needs. Access to training and support for all with details of the mechanisms used to ensure this and the different options available. Staff can also request additional training. Offering Foundation Apprenticeships and Modern Apprenticeships. Investors in People – Gold Award</b></p>	<p><b>These show a commitment to investing in its staff skill levels and a recognition of its value to the contractor and the quality of works undertaken</b></p>
<p><b>Recognition of performance:</b></p> <ul style="list-style-type: none"> <li>• Appraisals;</li> <li>• Development opportunities;</li> <li>• Empowerment to achieve individual goals to improve individual performance; and,</li> <li>• Talent management system to identify and develop staff and their training needs</li> </ul>	

## EXAMPLE

The following outlines some of the common weaker elements of tender responses to a Fair Work criterion.

### Common weaker elements of tender responses

**Clear from the bids that the question has been misunderstood and there is a misunderstanding of what Fair Work practices are**

**Responses offer no focus on how Fair Work practices contribute to the quality of the delivery of the contract**

**Bids fail to refer to, or do not offer, a positive approach rewarding staff at a level that helps to tackle inequality through a fair pay and equal pay policy. For example the bids do not mention or are unclear about which Living Wage is being referred to – the real Living Wage or the national living wage**

**Note - Where there is uncertainty over the wage rate, a public body should seek clarification before completing the evaluation**

**Bids set out only mandatory legal requirements and fail to demonstrate a real commitment to Fair Work practices which go beyond the minimum legal requirements.**

**Bids do not recognise staff voice or where they do, there is no description of mechanisms to give staff a voice, such as trade union recognition**

**Bids either make no reference to training and development opportunities or even where included, no clear details are provided of frequency, impact etc.**

**Bids do not include their organisation's position on zero hour contracts or job security where this may be relevant to the contract**

**Bids make no reference to subcontractors and their Fair Work practices or whether they have measures in place to ensure Fair Work practices are upheld for all those involved in the delivery of the contract**