

### 2.2.1 – Demonstrating Understanding - (1,482 Words)

Tenderers must demonstrate a clear understanding of the public sector landscape in Scotland and the Framework Public Bodies who will use these services. You must also demonstrate that you understand the demand Framework Public Bodies have for the services and how public bodies will use those services. Max 1,500 Words.

#### Understanding of the Public Sector Landscape in Scotland

The Public Sector is a fundamental element of Scotland's employment and critical to delivering public services, supporting economic development, driving education, maintaining justice and supporting critical areas such as health, social care, transport, the environment and housing for citizens throughout the country.

In March 2022, there were nearly 593,000 people employed in Scotland's public sector, accounting for 21.9% of all employment, and a further 138,000 within charities on the Scottish Charity Register. There have also been significant increases in public sector employment (2-3% per year) and we believe this growth will be compounded in the future by the UK's levelling up programme, with a number of roles/departments currently housed in London set to relocate to Glasgow, Edinburgh and East Kilbride. The possibility of Scottish Independence may also impact demand as Scotland sets up its own equivalents to agencies such as the DVLA.

The Scottish public sector continues to seek efficiencies through rapid digitalisation, innovation, landscape reform and improving procurement creating increases in demand for a variety of admin, catering and manual staff. Key areas contributing to these increases are the NHS, Local Government, Civil Service, Higher Education, Police/Fire Services and public bodies which include but are not limited to:

- Executive Agencies.
- Non Ministerial Offices (NMOs).
- Non Departmental Public Bodies (Executive, Advisory and Tribunal).
- Public Corporations.
- Health Bodies.
- Parliamentary Bodies.
- Other Significant National Bodies (e.g. Audit Scotland and Scottish Fire & Rescue).

The Scottish Government is also improving services by launching initiatives including Local Government Review, supporting community planning, setting efficiency targets, developing their second Open Government Partnership, running the Children and Young People Improvement Collaborative and undertaking a digital transformation programme.

As part of the Scottish Government's Infrastructure Investment Plan there are 5 key areas which we believe will have high demand for admin, catering and manual staff:

- Transport.
- Health.
- Further Education.
- Justice.
- Rural and Environment.

#### REDACTED

REDACTED, we have significant intelligence regarding organisations with a right to purchase under the Scottish Government Framework, but who are not currently releasing roles. We will target these to promote the Framework, and increase usage across Scotland, particularly in rural/remote geographical locations where local supply agreements often prevail.

By developing our teams and investing heavily in the latest technology to support them, we have become a trusted partner for many clients in Scotland. We have a good understanding of FPBs currently using these Frameworks and will champion the benefits of all four frameworks to FPBs throughout Scotland to maximise the number of organisations purchasing under them.



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### Framework Public Bodies

FPBs in the following sectors will be able to use the Admin, Catering and Manual Staff Framework:

- Affordable Housing.
- Central Government including NDPB and Agencies.
- Charities and Voluntary Associations.
- Scottish Health Boards/NHS Scotland.
- Fire, Rescue and Police Scotland.
- Local Authorities.
- Universities and Colleges.
- Charities on the Scottish Charity Register and Voluntary Organisations on the SCVO.

We understand that the Framework is available for use by:

- Business Stream.
- Forestry and Land Scotland.
- Health Boards.
- Higher Education Institutions.
- Local Authorities.
- NHS Scotland.
- Scottish Fire and Rescue Service.
- Scottish Government.
- Scottish Ministers.
- Scottish NDPBs.
- Scottish Parliamentary Corporate Body.
- Scottish Police Authority.
- Student Loans Company.
- The Scotland Office.



The Interim Admin, Catering and Manual Staff Framework covers northern Scotland and includes all local authority areas within Aberdeenshire, Angus, Highlands, Moray, Perthshire and includes remote and rural locations.

While the Framework Agreement is not mandated, public sector bodies will be encouraged to use it and we will pursue our part in marketing it to secure further uptake. We understand the culture of southern Scotland and the fact that some organisations in more remote areas are likely to go with local suppliers unless there is intervention to demonstrate Framework benefits. We have extensive experience of delivering high volumes of admin, catering and manual workers across Scotland and whilst the vast majority of usage is likely to be in the central belt, there will also be requirements in outlying areas such as Orkney Islands, Outer Hebrides and Shetland to organisations such as local councils.

### Demand for the Framework

There are many factors which drive the demand and contribute to peaks in requirement for admin, catering and manual workers within the Scottish public sector, and Venesky-Brown has a solid understanding of these from supplying these sectors for 17 years to a range of public and private sector clients.

At the outset of the pandemic, between March and June 2020 there was a period of re-adjustment but since then the demand for temporary staff has soared in Scotland across skillsets such as Customer Service Advisors, HGV Drivers and Administrators. For the first time in living memory there are more jobs than unemployed people in Scotland and this has led to a huge shortage of people applying for permanent jobs, which in turn has created a surge in the temporary job market across all sectors. We are also seeing a reduction in the available candidate market post-pandemic as some groups (such as those nearing retirement) have experienced a period of time away from the pressurised world of work, and are making different employment choices (e.g. part time hours). Increases in demand can vary e.g. rural towns in tourist destinations such as Oban and Fort William are struggling for catering staff, whereas these roles are easier to fill in cities such as Edinburgh and Glasgow.

The landscape has also shifted dramatically for workers due to increases in remote working during the pandemic, particularly within the admin sector. This has allowed organisations in remote areas to access skilled workers who would previously have been geographically out of reach. As we are now returning to hybrid working models or full time office presence, we must now target workers who live within easy commuting distance of the roles. Now all restrictions have been lifted, manual and catering workers are also in high demand.

Temporary roles tend to range from as little as 1 day to 12 or more weeks to cover periods sickness, absence, holidays, permanent recruitment, maternity/paternity leave etc. Whilst some of this cover can be planned, much of it is unanticipated and therefore demands highly responsive recruitment suppliers with existing talent pools of suitably skilled security-cleared workers.

### How FPBs use the Framework

There are two routes for FPBs to utilise the Admin, Catering and Manual Staff Framework – Direct Award Ranked Solution or Mini-Competition.

With both of these routes, FPBs release vacancies through Public Contracts Scotland (PCS), set a deadline date for suppliers to respond and outline the number of CVs required for submission. The FPB uploads a document which provides a Statement of Requirements detailing key information regarding the role and also provides an area for the Framework Supplier's Response, which is submitted along with specified CVs to PCS.



When an FPB selects direct award, they will release the vacancy to the first ranked supplier on the Framework. If the first ranked supplier is unsuccessful in filling the vacancy, the role is then released to the second ranked supplier and so on.

When an FPB chooses to use a mini-competition, they release the vacancy to all 4 Framework suppliers simultaneously and provide them with the same documentation, information and deadline. They receive CVs and bids from all suppliers and determine the most suitable candidate for the role based on the criteria weighting (quality vs price). Once the role has been placed, the FPB notifies all suppliers that the vacancy has been filled and releases information confirming the successful supplier.

### 2.3.1 – Delivery of Service (1,459 words)

Tenderers must provide details of how they will deliver the service under this Framework Agreement as outlined in the Statement of Requirement at Schedule 1. Tenderers must also, include their organisational structure, details of key staff (and their roles) with designated responsibilities for ensuring successful delivery throughout the Framework period, and the minimum experience levels (not a CV) and a job specification(s) for the designated Account Manager(s). Tenderers must also provide details of the number of key personnel to be dedicated Nationally (to the whole of Scotland), how this number is calculated to be sufficient and set out the procedures for how any changes to these key personnel will be managed. Max 1,500 words.

#### Service Delivery and Account Team Structure

Venesky-Brown have invested heavily to develop a professional tiered management capability to support delivery of major public sector staff recruitment assignments. The management resources allocated to the Framework Agreement for Admin, Catering and Manual Staff reflects our experience of supplying suitably qualified temporary staff that have been through the relevant disclosure process to ensure consistently high levels of service and value for money for Framework Public Bodies (FPBs) using the framework while ensuring effective communication and provision of management information. The Account Team is streamlined to provide immediate access to ultimate decision-makers, together with dedicated staff who focus on key areas such resourcing and compliance.



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### 2.3.2 – Experience and Process (1,412 words)

Taking into consideration the Statement of Requirements and Call-Off procedures, please outline how you would fulfil a specific request for a temporary worker. Your response should consider all aspects of providing a temporary admin, catering & manual staff worker (s), including but not restricted to:

- The complexity of requirement
- Location (s) of requirement
- Number of assignments to be fulfilled
- Time constraints
- Budget considerations
- Meeting customer expectations

Please illustrate how your embedded process and actions will work operationally, drawing from a recent example and outlining the process at each stage, from initial requirement through to the successful provision of a suitably qualified temporary admin, catering & manual worker (s). Please include details of any challenges/barriers and how you would deal with these. Max 1500 words.

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### 2.3.3 – Disclosure and BPSS (1,382 words)

Tenderers must provide details of their procedures to ensure compliance with Disclosure Scotland and Baseline Personnel Security Standard – BPSS, (or other standard as may be defined by Framework Public Bodies) including details of the effective management of any third party to be used in this process, and the measures they will take to match security pre-cleared temporary/interim workers to Framework Public Body requirements. Tenderers must also describe the measures they will take to ensure that temporary/interim workers understand and adhere to confidentiality requirements, particularly in relation to sensitive assignments. Max 1500 words.

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#### Disclosure Scotland

Our Compliance Team carries out compliance checks required and adheres to the Code of Practice issued by Scottish Ministers. The Compliance and Account Teams are inducted on BPSS, Disclosure Scotland variations and trained in ID fraud. REDACTED.

As we work extensively across the public sector, we understand there are different security requirements for different departments. Many public bodies and all central government organisations using the Framework require a Basic Disclosure Scotland (DS) certificate as a minimum prior to candidates starting assignments. Basic Disclosures detail “unspent” criminal convictions and applications are processed under the Rehabilitation Period for Particular Sentences section of the Rehabilitation and Offenders Act 1974. Depending on the FPB, the Basic DS must either be dated within the last 3 or 12 months.

There are also FPBs who require a clean Basic DS certificate before candidates are submitted. In this scenario, our Account Managers request the candidate’s original Basic DS before sending their CV/profile to the FPB. The certificate is verified by our Compliance Team, documenting the sighting on our CRM including the expiry date, and notify receipt to the FPB. When a Basic DS is required post offer, our Account Managers list this as a requirement in the offer email to the candidate, and direct them to the Scottish Government website (<https://www.mygov.scot/basic-disclosure/apply-for-basic-disclosure>) to apply for a certificate immediately. When the original is received, our Compliance Team follow the above mentioned process of verification and documenting, and send the certificate to the FPB.

Some public bodies require a Standard Disclosure for assignments that involve regular contact with children/adults at risk or involving the administration of law, professional groups in health, pharmacy and law or senior managers in banking/financial services. When FPBs



require a Standard Disclosure they may decide to interact with the candidate directly or alternatively our Compliance Team can guide the candidate through the process (explaining

the form/documentation). Venesky-Brown have experience carrying this out with **REDACTED**.

There may also be a requirement for Enhanced Disclosure or Protection of Vulnerable Groups (PVG). We have experience of guiding candidates through the Enhanced Disclosure application process (clarifying identification/documentation required) **REDACTED**.

Having a criminal record does not necessarily mean a candidate cannot work for Venesky-Brown. We will make a fair, non-discriminatory assessment based on their skills, experience and suitability for the post. We will not place anyone in a regulated activity if they have a DS check that reveals a conviction, caution or other information without obtaining the FPB's written permission to do so. Considerations may include:

- Any legal or regulatory requirements (i.e. if the role involves regulated activity).
- The seriousness of the offence.
- The length/type of sentence issued.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offending behaviour and the explanation offered by the individual.

If a worker gains a conviction while on assignment, we will immediately inform the FPB (and Opsec if the worker is BPSS cleared) and follow their instructions regarding whether to keep or terminate the worker, removing them from site if applicable.

All disclosure information is kept in compliance with the Data Protection Act 2018 and securely destroyed when required.

## BPSS

We understand all contractors who are successful in obtaining a job with the Scottish Government (or main agencies) are subject to BPSS.

Our Compliance Team is trained in BPSS Clearance requirements and conducts the following process:

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If a worker does not pass BPSS Clearance, our Compliance Team will immediately contact the Framework Director who will notify the FPB and worker concerned. Venesky-Brown will then find a suitable replacement interim within 48 hours.



### 3<sup>rd</sup> Parties

We complete all pre-employment screening in-house so there is no risk in terms of managing third parties. REDACTED

REDACTED

### Auditing

We use checklists to ensure all documentation is complete/compliant and files are audited pre-placement. We also undertake quarterly in-house auditing to ISO, DS and BPSS standards in alignment with agreed KPIs. We have previously been audited by Opsec and we welcome FPB audits. Audit findings are shared at Board level and improvement areas are implemented/monitored and closed-out within 6 weeks of the audit date.

### Confidentiality

We ensure workers understand and adhere to confidentiality requirements, particularly for sensitive roles. We emphasise the need for confidentiality throughout the process for such assignments and only disclose minimum details during screening until the candidate has signed a confidentiality agreement/NDA where this is required. System REDACTED.

All workers sign our Confidentiality and Data Protection Policy to confirm they have read and understood their responsibilities. This provides clear guidance including instructing workers to stop and consider whether they should be disclosing information before they do so, and to verify that the person they are providing the information to is who they say they are and is authorised to receive it.

REDACTED

### 2.3.4 – Geographical Constraints (1,784 Words)

Tenderers must provide details of their approach to ensure the sourcing, retention and matching of suitable temporary/interim workers in the North Region. Your response must relate to both rural and urban areas in the North Region and demonstrate your proposed presence to meet the requirement and how you will gain and take advantage of knowledge regarding local job markets to meet Framework demand. (Note - “presence” does not necessarily mean a physical full-time office). Your response must also detail how you will ensure consistency of service and delivery across Framework Public Bodies and your procedures for delivery during periods of high demand. Max 2000 words.

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We have recruited successfully on the Interim IT and Professional Services Frameworks throughout Scotland, from the Borders to the Highlands for 3 years and have a wide range of non-Framework clients who use Admin, Catering and Manual workers throughout Scotland. Requirements have changed since the pandemic and we have had to adapt our processes to deal with unprecedented demands both in numbers and specialist skills/experience. For admin roles, Covid-19 created a culture where working from home was the norm, and this provided access to candidates with niche skills who were not previously able to work in remote locations. The return to the office in many cases has now negated this possibility.

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### 2.3.5 – Managing Absence/Unsuitability (1,485 Words)

Tenderers must provide details of their proposals to manage temporary or interim worker sickness, absence and absenteeism, the process for replacement of temporary/interim workers where they are deemed unsuitable for the assignment, and how they will ensure that the Framework Public Body is protected from employment relationship claims/employment law risks. Max 1500 words.

#### Management of Sickness & Absenteeism

Venesky-Brown aims to maintain working conditions of the highest standard at all times, as well as a work-life balance. Our proactive absence management policy includes return to work interviews which form part of an effective attendance management strategy. During induction, interim workers are issued with a copy of the staff handbook and made aware that absence and performance issues will be managed directly by us. Any worker who is unable to attend work due to illness or injury must notify their Account Manager a minimum of one hour before their start time. We will immediately contact their Hiring Manager to advise the situation, detail the anticipated duration of absence and discuss whether a replacement may be required. If a replacement is needed we will respond within 4 hours, providing the replacement within a maximum of 48 hours (usually 24).

For absences of less than seven days duration, the worker can self-certify, however if the absence is longer a medical certificate must be obtained. On return, the worker will be asked to complete a sickness report form and attend a return to work interview with the Account Manager to discuss reason for absence and ensure they are fit to work. If the reason for absence is other than sickness, permission must be obtained from the Account Manager and such absence may count against their holiday entitlement (if PAYE). Absence without permission or adequate explanation may lead to disciplinary action for workers on contracts of employment. Workers on other types of contractual agreements may risk the assignment being terminated if they are unable to justify the absence or if they are repeatedly absent. Our CRM system **REDACTED** is used to identify trends in sickness/absence and absenteeism allowing the Account Manager or Framework Director/Manager to identify and resolve any issues and deal with repeat offenders as appropriate.

### Temporary Worker Performance

Our performance monitoring procedures establish mechanisms which incentivise and reward good performance as well as managing poor performance or conduct. One of the fundamental responsibilities of Venesky-Brown as a supplier, is to ensure that staff provided on the Interim Admin, Catering and Manual Staff Framework are delivering on their specific objectives and targets therefore ensuring that the Framework Public Body (FPB) is obtaining value for money. Performance assessments are conducted throughout the assignment to identify, and where possible, resolve issues prior to the candidate being deemed unsuitable. Worker performance is monitored using a **REDACTED** review process involving all parties to carry out evaluations against KPIs which include attitude, commitment, time keeping, quality, consistency, safety, productivity and initiative.

**REDACTED**

### Protection from Employment Law Claims

We will ensure the Authority and FPB are protected from employment relationship claims and employment law risks via two principal mechanisms. The first is based in law and on the contractual relationship. As we are an employment business we sit in the chain directly between the individual temporary worker and our client (in this case the FPBs), thus there is no direct contractual relationship between the FPB and the individual worker.

The vast majority of employment law claims require a direct contractual link as most claims are based on being an employee or a worker of the party they are making a claim against. An employee is defined by section 230 Employment Rights Act as 'an individual who has entered into or works under or where the employment has ceased worked under a contract of employment.' Similarly, a worker is defined as an individual working under, or that has worked under 'any other contract...carried on by the individual'. Consequently, given the majority of employment based claims require a contractual relationship, the fact that it is ourselves and not the FPB that has this contractual relationship with individual worker means employment claims are unlikely to be made against the FPB.

It is, however, technically possible for an FPB Manager to change the employment status of a worker by treating them as an employee. To support this, we ensure that all management of workers is carried out by our staff and not by FPB Managers. This includes arranging holidays, absence management and return to work interviews, performance management and where necessary termination of assignments.

There are also some claims that can be made despite there not being a direct contractual relationship - for example discrimination claims under section 41 of the Equality Act 2010 where the individual qualifies as a contract worker and under the Agency Workers Regulations 2010 where the Hirer effectively an end-user can also be liable. These are specific legislative provisions that allow for claims to be made against a party that does not have a direct contract with the individual. An individual will qualify as a contract worker where they are provided by one party [the Agent] to do work for another [the Principal] in furtherance of an agreement



between the Agent and Principal. These legislative provisions have been specifically drafted to circumvent the contractual employment chain but are very much the exception as the majority of claims require a direct contract therefore we have the risk not the FPBs.

The second mechanism used to protect clients from employment relationship claims or employment law risks is based on what we do in practice as providers of temporary staff.  
**REDACTED.**





#### 2.4.1 – Management Processes (1,455 Words)

Tenderers must describe their management processes and agreed ways of working to maintain a consistently high service level. Your response should cover, but not be limited to, performance monitoring, managing communications, problem solving and dispute resolution, achieving value for money in relation to your staff (including supply chain sub-contractors or consortia members, where appropriate) and internal and external stakeholders. Max 1500 words.

REDACTED

## 2.4.2 – Communication (1980 words)

Tenderers must provide a statement to clearly demonstrate their proposals for regular and effective communication with Framework Public Bodies throughout the framework duration including reporting mechanisms for the provision of management information, out of hours procedures, complaints management (including escalation), and order cancellation processes. Max 2000 words.

REDACTED

The following communication plan gives an overview of the structured communication that will usually apply within the Framework:

Who	What	When
The Authority (Strategic Contract Manager)	REDACTED	REDACTED
	Monthly management information	Provided by 14 <sup>th</sup> of each month
	REDACTED	REDACTED
FPB Strategic Stakeholders	REDACTED	REDACTED
	Management information (content, frequency and format to be specified by the FPB)	Monthly or quarterly supported by ad hoc reports as required
	Review meetings (forecasting, performance review in alignment to framework KPIs, sharing market intelligence, continuous improvement)	Monthly, quarterly or bi-annually (as preferred)
	REDACTED	REDACTED

REDACTED

### 2.4.3 – Mobilisation (1,452 Words)

Tenderers must provide a mobilisation plan including key team members and stakeholders roles and responsibilities, tasks for completion by your staff, key dates and deadlines, proposals for marketing the new Framework Nationally (to the whole of Scotland) in both rural and urban areas. The mobilisation plan must clearly describe how you will ensure by the service commencement date, sufficient numbers of suitably qualified temporary/interim workers to meet order fulfilment rates for the Framework and how you will ensure the authenticity of temporary/interim worker qualifications and manage this on an ongoing basis. Max 1,500 Words.

REDACTED

indicate few changes to current processes and enable us to maintain “business as usual” for our FPBs while we re-mobilise under the new Framework.

Mobilisation will be managed by our REDACTED both of whom have held these positions for REDACTED. Their specific responsibilities in relation to mobilisation are detailed overleaf.

### 2.5.1 Continuous Improvement (1,464 Words)

Tenderers must provide details of how they will deliver continuous improvement throughout the duration of the Framework. Your response must describe details of any measures to achieve greater efficiencies, simplify processes and minimise errors and generally improve quality of service for the Framework duration. Max 1,500 Words.

We will deliver continuous improvement throughout the Framework by using our structured Continuous Improvement Process which involves:

1. **Identifying issues/challenges which in turn provide opportunities for improvement.** This can be achieved through Framework Public Bodies (FPBs), worker and Account Team feedback or by simply questioning why things are done in a certain way.
2. **Challenging the status quo to deliver the improvement.** Suggestions are often secured through feedback from FPBs, workers or our Account Team, or we use brainstorming sessions to address a specific problem.
3. **Analysing the outcome delivered by the changes implemented** to check if the change has delivered the anticipated outcome. We also check if there have been any unanticipated side effects from the new process/system, and if so, whether these need to be mitigated.
4. **Implementing the changes into our standard operating procedures** and delivering training across the Account Team/FPBs/workers accordingly.

The above process appears to have a start and end, but as implied by the name, continuous improvement does not, so we need to return to step 1 regularly to interrogate our processes, procedures and approach to ensure we are consistently increasing efficiency, simplifying processes, minimising errors and improving service quality.

#### Identifying Opportunities for Improvement

As detailed above, FPB, worker and Account Team feedback is critical in identifying opportunities to improve, and some of the best (and often simplest) ideas come from such feedback. We collate this via:

REDACTED

#### Implementing Improvements

Internal improvements REDACTED In each case, the change is discussed REDACTED. Where the change may affect FPBs, we will discuss the proposed actions to improve with them and confirm their approval before progressing.



### Measuring Improvement

All changes to process and technology implementations are monitored closely to identify what works, what doesn't and any unanticipated side effects to check that the change has delivered the anticipated success measures. We do this **REDACTED**

### 2.6.1 – Data Protection and Information Security - (1,985 Words)

Tenderers should describe their procedures for storing, retaining and transmitting data between the Contractor, the Framework Public Bodies (and sub-contractors where applicable) to ensure compliance with the Statement of Requirements (Schedule 1) and to ensure continuity of service and protection against cyber-attacks. Answers should include (as a minimum):

- Details of where data will be stored and how it will be secured including processes, software and standards and must include measures put in place with sub-contractors (where applicable);
- Details of how data will be securely transmitted between the Framework Public Body, the Contractor (and sub-contractors where applicable) including processes, software and standards;
- Details of how the data will be secured at rest (end point security) both at the Contractor's premises (and their sub-contractors premises where applicable);
- Details of processes followed including those for assessing future risks;
- Testing of Disaster Recovery policies and procedures, including the dates, duration and frequency;
- Methods for the back-up and continuity to deliver services should an incident occur including manpower and access to equipment;
- Methods and processes in place to mitigate against cyber-attack and crime using online technologies including processes, software and standards;
- Destruction policies and processes including policies, processes and software. This should include the measures put in place with sub-contractors where applicable;
- Tenderers should also provide details of any standards applicable in this area (e.g. ISO 27001, ISO 22301, ISO/IEC 20000, Cyber Essentials/Cyber Essentials Plus or their equivalents);

If the Tenderer does not currently hold certifications they should advise of any plans they have for achieving any relevant certifications. Tenderers should refer to the UK Governments Cyber Essentials Scheme and consider the information included within the scheme when providing their response to this section.

<https://www.gov.uk/government/publications/cyber-essentials-scheme-overview>

<http://www.gov.scot/Resource/0048/00489206.pdf>

Max 2000 Words.

REDACTED

### 2.7.1 – Fair Work (1,473 Words)

“The Scottish Public Sector is committed to the delivery of high quality public services, and recognises that this is critically dependent on a workforce which is well-rewarded, well-motivated, well-led, has access to appropriate opportunities for training and development, is diverse and inclusive, and can influence decision making. These factors are also important for workforce recruitment and retention, and thus continuity of service delivery.

Public bodies in Scotland are committed to applying [Fair Work First](#) in their own organisation and in publicly funded supply chains. [Fair Work First](#) is the Scottish Government’s policy for driving good quality and fair work in Scotland. Through this approach, the Scottish Government, and its public sector partners, are asking bidders to describe how they are committed to adopting Fair Work First:

- appropriate channels for effective voice, such as trade union recognition
- investment in workforce development
- no inappropriate use of zero hours contracts
- action to tackle the gender pay gap and create a more diverse and inclusive workplace
- providing fair pay for workers (for example, [payment of the real Living Wage](#))
- offer flexible and family friendly working practices for all workers from day one of employment

In order to ensure the highest standards of service quality we expect contractors to commit to adopting Fair Work First in the delivery of this Framework as part of a fair and equitable employment and reward package as a route to progressing towards wider fair work practices set out in the [Fair Work Framework](#).”

Fair Work First Question:

Please describe and demonstrate how you will commit to adopting [Fair Work First](#) for workers engaged in the delivery of the framework agreement including your own staff and temporary/ interim workers (to the extent relevant). This should include current and planned actions that show how you will embed these practices during the lifetime of this Framework Agreement.

Answers should include tangible and measurable examples and should also describe how you will report on, and demonstrate progress, to the contracting authority during the lifetime of the Framework Agreement. Good answers will reassure evaluators that your company is committed to adopting [Fair Work First](#) and to progressing towards wider fair work practices set out in the [Fair Work Framework](#) for the workers engaged in the delivery of this Framework Agreement and those in the supply chain working on this Framework Agreement. Answers need not be constrained to, or be reflective of, any examples given alongside this question. Max 1500 words.



The Scottish  
Government



Venesky-Brown  
WORKING PARTNERSHIPS

REDACTED



## 2.7.2 – Diversity (1,487 Words)

The Public Sector in Scotland is committed to building a workforce of people (including temporary and interim workers) with a wide range of backgrounds, perspectives and experiences. That means having a workforce that includes people of different age groups, socio-economic backgrounds, faith and beliefs. People who are trans, disabled, from minority ethnic backgrounds. People who identify as lesbian, gay or bisexual or other sexual orientation. A workforce that is representative of the people of Scotland. We expect tenderers to take a similarly positive approach and have a strategy and processes in place to ensure as best as possible a diverse range of temporary/interim workers.

To help us achieve our ambitions in advancing equality, we would like to understand your aspirations as an organisation in terms of diversity and the temporary/interim workers you put forward. For example we would like to know:

- Do you have an established diversity related policy and practice?
- Do you have or are you working towards accreditations in any diversity aspects (e.g. Disability Confident)?
- How you attract and retain diverse temporary/interim workers, including any outreach work to your organisation?
- How you select and verify your selection methods from a diversity perspective?
- How you carry out pre-employment occupational health checks?
- What adjustments are made (or how they are recommended) and how these are implemented effectively?
- What engagement do you have with representative organisations and what is the success of these relationships?

Max 1500 words.

### Venesky-Brown's Diversity Policy & Accreditations

Venesky-Brown has a robust, established Equality, Diversity and Inclusion (EDI) Policy which is refreshed annually by our HR Director. We hold the Investors in Diversity Award accreditation, have Disability Confident Employer status and have recently been awarded a place on the National Centre For Diversity Top 100 Most Inclusive Workplaces Index for 2022.





All staff attend REDACTED.

We cascade our commitment to EDI down through our supply chain, and require suppliers to REDACTED.

We also have a Diversity Champion within our HR function REDACTED.

### Attracting/Retaining Underrepresented Groups

The key to attracting underrepresented talent is to understand each FPB's EDI agenda, so we can work cohesively to support it (e.g. attracting more female talent into male dominated sectors). Our candidate attraction strategy will include diversity job boards and groups to target more diverse candidates alongside more traditional advertising/attraction strategies, including:

REDACTED

### Diverse Selection Methods and Reasonable Adjustments

We will engage with FPBs to discuss diversity and unconscious bias, REDACTED.

Our Business Support Team create job specifications for candidates REDACTED.

During initial screening, we ask applicants if they need any reasonable adjustments to the recruitment process or workplace so they can compete fairly and perform at their best. REDACTED.

Any reasonable adjustment requirements are logged on the candidate's file on our CRM system REDACTED.

During screening, REDACTED.

We also conduct monitoring at all stages of the recruitment process to ensure our shortlists are representative of applications. REDACTED. Feedback gained REDACTED.

### Occupational Health Checks

In general, candidates are only asked pre-employment health related questions to:

REDACTED

We have a clearly documented process for Occupational Health checks which covers:

REDACTED

For roles where an OH check is required, REDACTED



### 2.8.1 – Sustainability (1,246 Words)

Tenderers must confirm that, where appropriate, they will support the Scottish Ministers policies on Sustainability and Corporate Social Responsibility in delivering the services required.

Please provide a statement which explains your sustainability policy and demonstrates how you will proactively support the delivery of the Framework Public Body(s) respective Sustainability (Social and Ethical) and Environmental Policies. This should include any measures you have in place to ensure, monitor and report sustainability across your supply chain. Max 1,500 Words.

We confirm that where appropriate, Venesky-Brown will support the Scottish Government's policies on Sustainability and Corporate Social Responsibility in the delivery of the services under this contract.

REDACTED

### 2.9.1 – Community Benefits (1,414 Words)

The Scottish Government is committed to contributing to the social, economic and environmental well-being of the people of Scotland. The Government has five objectives that underpin its core purpose – to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

Tenderers must provide details of their proposals to support Scottish Procurement to meet SG overall community benefits policy through this Framework Agreement.

Accordingly while the following community benefits will not be evaluated as part of the tender process, the successful contractor will be expected to consider the following Community Benefit themes in the delivery of their services, for example:

- Targeted recruitment & training for “disadvantaged” persons unemployed for over 6 months.
- Generate employment and training opportunities for priority groups.
- Upskill the existing workforce.
- Equality and diversity initiatives.
- Make any sub contracting opportunities available to SMEs, the third sector and supported businesses.
- Build capacity in community organisations.

Max 1500 words.

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### 2.10.1 – TUPE (894 Words)

Tenderers must include a statement on their full consideration of whether the Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply in respect of this framework, including details of any perceived implications and/or risks and how these will be mitigated.

Tenderers must confirm whether their tender has been submitted on the basis of TUPE being deemed to apply or not. 1,500 Words.

#### TUPE CONSIDERATIONS

The purpose of TUPE is to protect employees if the business in which they are employed changes hands. Its effect is to move employees and any liabilities associated with them from the old employer to the new employer in compliance with the law. Traditionally it was assumed that TUPE did not cover agency workers due to the definition of the word “employee” under the Transfer of Undertakings (Protection of Employment) Regulations 2006, however in recent tribunals on the subject, claimants who were “workers” as defined in the Employment Rights Act 1996 have argued that TUPE applies irrespective of whether they have a contract of employment and the tribunals have agreed. Based on this TUPE can apply to agency workers who are transferred from one agency to another.

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The Authority has specified within the Framework documents that TUPE is unlikely to apply to the award of this Framework or any subsequent Call-Off Contract – and we agree. As such our tender is being submitted on the basis of TUPE being deemed not to apply. This may be because we are an incumbent supplier, so on contract award, our existing workers will continue in their assignments without any changes. As part of transitioning, it may be that outgoing agencies continue to supply incumbent workers until the end of their assignments, with all new orders being placed with new Framework agencies. Equally, it may be that Framework Public Bodies decide they wish to transfer the workers currently on assignment to the new agency suppliers. In this instance, TUPE may apply to the transfer, but we are unable to confirm this without being party to full details of the terms and conditions in place between the existing suppliers and their workers.

To ensure we comply with prevailing legislation (taking into account recent case law on the subject), we will engage our legal advisers **REDACTED** who specialise in employment law to work alongside our experienced Management Team who have managed TUPE transitions before to establish:

- (a) if it applies in each individual situation, and
- (b) how to move forward with the transition to comply with the law and mitigate risk to all parties if it does.

### TUPE IMPLICATIONS/RISKS & MITIGATION

If TUPE is found to apply to any part of the Framework or Call-Off Contract, we already have experience of managing it with the support/guidance of **REDACTED** legal experts. The key to mitigating risks/implications of TUPE is compliant, efficient negotiation, planning and communication. We have identified the following risks/issues and preventative/contingency action in the event that TUPE is found to apply.

Risks/Potential Issues	Possible Preventative/Contingency Action
The Framework Public Body being viewed as the implied employer of the worker and therefore becoming liable for any redundancy costs or unfair dismissal claims.	We implement processes relating to the management of the temporary workforce to ensure reduce the risk of the Framework Public Body being viewed as the employer.
Outgoing agencies failing to/being unwilling to provide us with appropriate candidate and assignment details.	We would expect the Authority and Framework Public Body to manage outgoing agency as part of the contract, obtaining their commitment to co-operate with us in terms of attendance at meetings, communication, and provision of required information.
Outgoing agency threatening to withdraw the existing workforce rather than transfer them, causing a potential impact in terms of consistency, resource and productivity.	<p>We will work with the Authority and Framework Public Body to establish the legal position by reviewing current contracts in advance of announcing the intention to transfer staff. Other methods of mitigating this risk will be to:</p> <ul style="list-style-type: none"> <li>• Implement a reasonable earn out period for the outgoing agency's workers.</li> <li>• Organise alternative resource with the incoming supplier.</li> <li>• Select the date that the outgoing supplier is told about the requirement to transfer out staff carefully to minimise disruption.</li> <li>• Where possible, minimise the timescale between informing the outgoing supplier of the need to transfer the workforce and the announcement to the workers themselves.</li> </ul>

<p>Issues with worker performance, attendance and retention due to a change of supplier/lack of confidence or information relating to the transfer process.</p>	<p>Ensure that a structured communication process is established to minimise disruption to workers, including face to face meetings with the new supplier and access to ongoing on-site surgeries to handle issues and questions. Workers should also be provided with a written guide to the transfer process which will include reassurance relating to continuity of their assignment under their existing terms and conditions as soon as it is announced to reduce the risk of speculation and attrition.</p>
<p>Costs incurred by Framework Public Bodies or Venesky Brown due to existing contract arrangements with outgoing agencies.</p>	<p>We would establish details of the current contracts in terms of exit/termination with outgoing agencies, and if appropriate, run a staggered transition process over a period of time to ensure that no transfer fees are incurred by either party.</p>
<p>Compliance with TUPE legislation</p>	<p>Venesky Brown will provide access to our legal advisers (<b>REDACTED</b>) provide guidance and support the transition process (including drawing up documentation) and ensure that all parties meet legislative obligations.</p>

We confirm that we will stand by our tender irrespective of whether TUPE is deemed to apply or not.