

Protect Commercial



FORMAL CONTRACT AGREEMENT

between

Ministry of Justice

and

Hays Specialist Recruitment Ltd

for the provision of

**Band A and Band B Commercial and Contract
Management Specialist Recruitment Campaign**

Version: 3
Contract ref: 4262-1-Professional Services-N-Contract
Start Date: 1st January 2015
Expiry Date: 31st December 2017

CALL-OFF CONTRACT

Authority	
Address:	Authority Representative: Scott Massey
Ministry of Justice Procurement Harcourt House, Chancellor Court, 21 The Calls, Leeds, LS2 7EH	Telephone No: 0113 202 1052
	Fax No: 0113 202 7420
	E-mail: scott.massey@justice.gsi.gov.uk

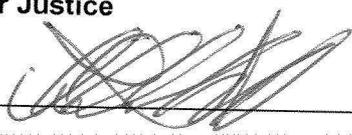
Commencement Date:	1 st January 2015
Expiration Date:	31 st December 2017

This Contract consists of:

- (i) This Contract Letter
- (ii) MDPS Terms and Conditions of Contract and annexed Schedules

IN WITNESS of which the Contract has been duly executed by the parties.

SIGNED for and on behalf of **The Secretary of State for Justice**

Signature: 

Name: JENNIFER GIBLETT

Position: Deputy Director - CCMD

Date: 18 JUNE 2015

SIGNED for and on behalf of **Hays Specialist Recruitment Ltd**

Signature: 

Name: STEVEN ORR

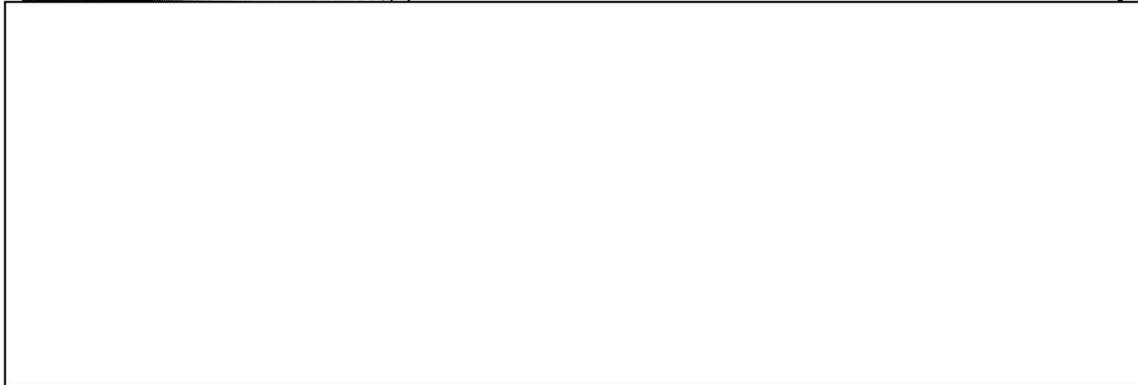
Position: MD

Date: 20/5/15

CALL-OFF CONTRACT

CO1. Client Information
Purchase Order to be issued under separate cover

Client Reference (if applicable):	4262-1-Professional Services-N-Contract
Purchase / Limit Order No:	TBA
Material Group: For Client use only	
Client Commercial Contact	
Name:	Scott Massey
Contact Telephone No.:	0113 202 1052
email:	scott.massey@justice.qsi.gov.uk
Client Work Manager	
Name:	Catherine Hinwood
Contact Telephone No.:	0203 334 4754
Contact Address:	102 Petty France, London, SW1H 9EX
email:	Catherine.hinwood@justice.qsi.gov.uk
Client Authorised Officer: (Sponsor/Budget Approver/Invoicing & timesheets)	



CO3. Contractual Detail

Special Terms and Conditions: e.g. overtime, expenses, travel & subsistence, notice period.	<p>This Call-Off Contract is covered by HMRC Standard Terms and Conditions which can be found at http://www.hmrc.gov.uk/selling/proc3.htm.</p> <p>The Service Provider shall include within the agreement with its data processor, Hays Business Solutions Pvt Limited, the completed standard data transfer clauses set out in the Schedule to the</p>
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Commission Decision of 5 February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council and a copy of this agreement including such completed clauses is attached the standard T&C supplemented by Client specific details listed below:
Schedule I

CO4.

Project Information

Project Title:	Band A and Band B Commercial and Contract Management Specialist Recruitment Campaign
Primary Location: (including full address)	Clive House, 70 Petty France, London, SW1H 9EX
Start Date:	1 st January 2015
End Date:	31 st December 2017

[Empty box for additional project information or notes]

Invoices relating to this Call-Off Contract should be sent to the address stated on the Official Purchase Order by post, unless otherwise indicated. The invoice should quote the Purchase Order Number.

Invoices received without a Purchase Order number may be rejected.

CO6. Specification of Requirements / Role Description / Deliverables

The section below should be used to provide clear details relating to the requirements for delivery of the project/assignment. It should include, where appropriate, milestones / key deliverables with dates, and proposals for skills transfer.

1 Introduction

- 1.1 The Commercial and Contract Management Directorate (CCMD) has a requirement to recruit up to 50 professionals in the commercial sector.
- 1.2 When commissioned to undertake a whole recruitment campaign the Service Provider will be required to:
- Provide a well managed large-scale recruitment campaign
 - Provide strong and proactive project management and good communication
 - Provide regular weekly updates
 - Handle the administration for the campaign
 - Ensure high calibre candidates are appointed
 - Sensitively manage and inform unsuccessful candidates
 - Provide an analysis of the campaign at its conclusion.
 - To run an open, fair and transparent recruitment campaign

2 Background

- 2.1 Commercial was identified as an area of critical weakness in the initial Civil Service Reform plan and this was highlighted again the most recent progress report (October 2014). The 2014 Breedon¹ and National Audit Office² reports into contract management in the Ministry of Justice (MOJ) highlight a critical shortage of capable commercial staff and difficulty in recruiting and retaining permanent employees. This impact of this shortage will only increase as the MOJ's outsourced service delivery continues to increase in both scale and complexity. Outsourced spend will reach 50% of the Ministry's gross expenditure in the next year and four of the five priority projects depend on commercial expertise.
- 2.2 The foundation of CCMD's commercial expertise is its Senior Manager roles and their feeder Assistant Manager roles (at Band B). As at 31 July, there were 136 permanent staff and 14 interims in post with 16 posts unfilled. There were 10 leavers from these roles between 1 April and 31 July 2014 and 19 in 13/14 making a turnover rate c15% pa. This is high for the Civil Service (typically c5-6 %).
- 2.3 Recent recruitment campaigns have delivered 26 hires against a target of 43 over the period September 2013 to May 2014. The quality of many of the

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/267693/contract-management-review.pdf

² <http://www.nao.org.uk/report/transforming-governments-contract-management-2/>

candidates was not at the level that the MoJ had hoped for.

3 Recruitment numbers

3.1 The Ministry intends to hold a recruitment campaign to fill up to 50 current vacancies immediately, with the possibility of a further exercise. We require a much wider, more targeted campaign to provide CCMD with commercial specialists. These vacancies are mainly London based, but there are also some in Leeds (exact numbers tbc).

3.2 We are looking for high calibre candidates for

- 18 Band A roles (Senior Commercial Manager, Contract Management/ Procurement) and
- 29 Band B roles. (Assistant Commercial Manager, Contract Management/ Procurement)

3.3 Candidates must be commercial specialists who have/are one of the following:

- Qualified purchasing professional (MCIPS).
- Member of, or studying for membership of, the International Association for Contract and Commercial Management (IACCM).
- Working towards membership of the Chartered Institute of Purchasing and Supply (CIPS).
- Relevant degree, such as in law or finance, MBA; or
- Related industry experience

3.4 What is Excluded

- The provision of services in respect of any public appointments campaign where the Client is able to undertake those services themselves.
- The provision of psychometric/assessment testing.

4 Advertising, Search and Selection

4.1 The Service Provider shall provide professionals to fill vacancies as requested by the Client, and shall:

- Be required at the start of any exercise to discuss, advise and agree the most appropriate approach for the specific search and selection required by the Client.
- Establish a clear understanding of the Client's priorities, needs and organisational culture in relation to the vacancy/multiple vacancies that need to be filled.
- Establish a clear understanding of the Job Specification with the Client and use this knowledge to understand the criteria for each post in order to find the most suitable candidates.
- Identify the Person Specification and define the selection criteria to be discussed and agreed with the Client.
- Review the terms and conditions (including advising on and providing evidence of comparable salaries amongst public appointments and market

rates) of the appointment.

- Draft a Search Plan and identify specific organisations and geographical locations where a search may be appropriate.
- Provide details of Client Liaison Arrangements including procedures for dealing with Client and candidate complaints.
- Establish how risks are managed, what contingency arrangements are in place and proposals for responding to change.
- Establish a process for how competing priorities will be handled and demand met.
- Provide at all times appropriately qualified, good quality staff and staffing structures to meet the demands of the contract.
- Determine how administrative tasks throughout the campaign will be handled to ensure deadlines are met and to meet the needs of the Client.
- Provide progress reports at the frequency specified by the Client.
- Produce quality information to a high standard throughout the executive search and selection process and in accordance with good industry practice.
- Provide a project plan to ensure the assessment is completed in the timescales agreed.

4.2 Advertising

4.3 If required by the Client, the Service Provider shall co-ordinate the advertisement campaign, including placing the advertisement to appear upon agreed dates in the appropriate national newspaper(s), Linked In, specialist publications, appropriate professional journals and website and other avenues as agreed with the Client. The Service Provider shall, in particular, ensure that the advertisement is well placed to encourage applications from under represented groups.

4.4 The Service Provider shall also:

- Assist in the preparation of the advertisement as required by the Client and advise the Client on where to place the advertisement taking into account the attraction strategy, Civil Service and Ministry of Justice banner advertising protocols and ensuring value for money.
- Demonstrate awareness of the need to reduce recruitment advertising costs when providing advice to the Client.
- Design all appropriate advertising materials in the most accessible format
- Demonstrate awareness of how to reach under-represented groups.
- Develop evidence based competencies where requested by the Client.
- Develop and recommend initial assessment criteria (based on competencies, for use of the initial sift)

4.5 Candidate Search

4.6 The Service Provider shall raise the profile of the appointments by targeting

candidates in sought after occupations and minority groups, and shall provide:

- A Full Search approach (as described in this paragraph) through actively sourcing and researching the market place to find the right individuals for the post(s); the process is researching the market place against specific criteria/areas of expertise being sought, contact (telephone/face to face/emails) and liaise with the individuals actively over a period of time with the aim of encouraging them to apply for the post. This approach will also involve using networks/contacts to provide names of people who can either act as a source and/or a potential candidate. Where a Client decides that a Full Search is not required the Service Provider shall provide a Limited Search approach (as described in this paragraph) through use of existing database, utilising existing networks/contacts to produce a list of individuals. The approach is very much a targeted email or phone call to specific individuals.
- Regular update reports to the Client on the progress of the candidate search and in particular the Service Provider's success in attracting interest and applications from women, members of ethnic minorities, disabled people and other under represented groups.

4.7 Response Handling

4.8 The Service Provider shall produce candidate information packs, as required by the Client, and shall:

- Field enquiries from potential candidates.
- Respond to requests for applications from advertisement and search respondents.
- Update the existing application forms and the information pack as considered appropriate by the Client, including in respect of ascertaining any potential conflict of interest.
- Receive, acknowledge and process applications.
- Secure potential candidates to produce a long-list of suitable candidates.
- Provide a complete suite of documentation to support the process and provide an effective audit trail as required by the Client and strictly in accordance with the Data Protection Act.
- Provide equality monitoring and media response statistics and diversity statistics and other management information as specified by the Client for each stage of the recruitment process and all such statistics to be provided shall form part of the Clients Performance Management requirements. This shall include diversity data for each stage of the recruitment process (the application stage, long-lists, short-lists, interviews and appointments).
- Implement the Guaranteed Interview Scheme (GIS)

4.9 Competency Sifting

4.10 The Service Provider will undertake an initial sift all the applications against the criteria, as agreed with the Client and provide a sift report which rates each applicant according to his/her suitability for the role(s). The Service Provider shall also:

- Undertake preliminary interviews if required by the Client, or shall administer the long-list sift if that is the Client's preferred method of obtaining the short-list.
- Meet with the Client to discuss and recommend a long-list of candidates suggested for interview. The Service Provider will provide the necessary paperwork for the meeting.
- Facilitate a sift meeting with the client to agree a short-list for interview.
- Provide equality monitoring and diversity statistics for long-listed candidates or any other relevant management information as required by the Client.
- Notify all candidates and provide feedback where required, following the short-list meeting with the Client.

4.11 Panel Interview

4.12 The Service Provider shall:

- Conduct appropriate due diligence and obtain references for candidates short-listed for interviews with the prior permission of the candidates. References provided should show clear evidence of the referee's relationship to the candidate and the company that they represent. In cases of self employment or unemployment the Service Provider to seek references as appropriate.
- Examine references for any discrepancies with dates, adverse comments, and excessive sick related absence (guidance on acceptable levels to be provided by the Client) and refer to the Client immediately for guidance.
- Inform the short-listed candidates of any security or other pre-appointment checks that are specific to the Client and the duration these checks will take to complete to secure employment with the Client.
- Organise informal meetings with short-listed candidates and the Client if deemed appropriate.

4.13 Panel Interview

4.14 The Service Provider will work with the Client to prepare for the final panel interviews, including discussing the format of the interviews, interview questions, providing the necessary paperwork and confirming arrangements with the candidates. At the sole discretion of the Client the Service Provider may be invited to attend such interviews.

4.15 Pre Appointment

4.16 The Service Provider will assist the Client in securing the appointment of the preferred candidate, where appropriate, including salary negotiations, and shall:

- Draft a standard response letter (for agreement by the Client) advising candidates once referencing has been completed that their papers will be forwarded to the Client for continued checks into their suitability for employment.
- Forward completed candidate references with the prior permission of the candidate which should be housed in a folder clearly detailing what is enclosed and which candidate it relates to. The papers should be

presented so that there is a clear audit trail of actions taken in case of query at a later stage. The Service Provider should ensure these files are sent by courier and not post, and where possible sent in batches to minimise cost.

- Notify all other candidates and provide feedback where required.
- Provide telephone evaluation to unsuccessful candidates where required

4.17 Post Appointment Evaluation

4.18 The Service Provider will conduct a de-briefing session with the Client and appointed candidate to evaluate the search and selection process and discuss areas for improvement and learning points for the Service Provider and the Client.

5 Roles & Responsibilities

5.1 The Client will have the final decision on the design and content of advertisements, information packs and application forms, although we expect the Service Provider to be responsible for producing the designs and final documents.

5.2 We anticipate that in many cases a member of the Commercial and Contract Management Directorate will be advising on the initial sift panel, although the sifting and assessment criteria will be drawn up by the Service Provider in consultation with the Client.

5.3 The Service Provider is expected to keep the Client advised of progress at all times and to seek clarification or approval of exceptions and changes to any agreed work schedule.

5.4 The Service Provider is expected to ensure the process which takes place is open, fair and transparent.

6 Timeframe

6.1 Upon receipt of a commission from the Client, the Service Provider should have the advertising material and sifting criteria for that campaign ready by two weeks from the date of the commission, with adverts appearing three weeks from the date of the commission and closing date six weeks from the date of the commission.

6.2 Sifting of applications against criteria and competencies is to take place as applications arrive and to be completed by eight weeks from the date of the commission.

7 Other Requirements

7.1 The Service Provider shall appoint dedicated contacts for the lifetime of each campaign.

7.2 The Service Provider shall develop a Client report which captures all candidates and marks their progress throughout the scheme. The Service Provider will update the Client report at each stage of process and provide management information as dictated by the Client. The Client report shall be

passed to the Client at closure of each campaign for audit purposes. The Client report should detail as a minimum candidate name and where collected with the express permission of the candidates the following summary data; date of birth, ethnicity, gender, sexual orientation and religion, disability and transgender and progress through each stage of the recruitment process.

- 7.3 The Service Provider shall liaise with the candidates and the Client to provide all reasonable adjustments required by candidates under the Disability Discrimination Act.

C07.

Contract Management, KPIs and MI

As per point 6 contained within the Specification, repeated below for clarity:

Upon receipt of a commission from the Client, the Service Provider should have the advertising material and sifting criteria for that campaign ready by **two weeks from the date of the commission**, with adverts appearing **three weeks from the date of the commission** and closing date **six weeks from the date of the commission**.

Sifting of applications against criteria and competencies is to take place as applications arrive and to be completed by **eight weeks from the date of the commission**.

The contractor will be responsible for arranging and attending a weekly conference call. This will take place between both parties to discuss but not limited to the applications, progress and to clarify any questions that may have arrived.

Time is of the essence for this requirement and failure to comply with agreed KPI's would constitute a material breach of the contract.

1 Introduction

- 1.1 This document sets out the results of the tender evaluation and the recommendation of award for the provision of a specialist recruitment campaign for band A's and Band B's in the Commercial and Contract Management Directorate CCMD.
- 1.2 The CCMD has a total of 47 planned posts to fill in the immediate future. This comprises of 18 band A's and 29 band B's in 2 locations, London or Leeds. The value of the procurement for this project is £267,500.00 exclusive of VAT plus advertising costs.

2 Background

- 2.1 The Commercial and Contract Management Directorate (CCMD) has a requirement to recruit up to 47 professionals in the commercial sector.
- 2.2 Commercial was identified as an area of critical weakness in the initial Civil Service Reform plan and this was highlighted again the most recent progress report (October 2014). The 2014 Breedon¹ and National Audit Office² reports into contract management in the Ministry of Justice (MOJ) highlight a critical shortage of capable commercial staff and difficulty in recruiting and retaining permanent employees. This impact of this shortage will only increase as the MOJ's outsourced service delivery continues to increase in both scale and complexity. Outsourced spend will reach 50% of the Ministry's gross expenditure in the next year and four of the five priority projects depend on commercial expertise.
- 2.3 The foundation of CCMD's commercial expertise is its Senior Manager roles and their feeder Assistant Manager roles (at Band B). As at 31 July, there were 136 permanent staff and 14 interims in post with 16 posts unfilled. There were 10 leavers from these roles between 1 April and 31 July 2014 and 19 in 13/14 making a turnover rate c15% pa. This is high for the Civil Service (typically c5-6 %).
- 2.4 Recent recruitment campaigns have delivered 26 hires against a target of 43 over the period September 2013 to May 2014. The quality of many of the candidates was not at the level that the MoJ had hoped for
- 2.5 With the mandate for government departments to use CCS contracts, frameworks, DPS etc where they can, the Executive Search DPS was utilised for this project. Although the requirement was not for Executive Search the DPS can be utilised to fill specialist's roles. The requirement of the stakeholder meant that Lot 3, an end to end service provision which includes elements of the services from both Lot 1 & Lot 2 was chosen as the most appropriate route.
- 2.6 Prior to running a competition against the DPS a simplified contract notice has to be published via OJEU. This task was completed by the Category Management Team and agreed with the CCMD prior to publishing. Once the notice has been published, 15 days must have passed before a mini competition can be undertaken. The shortest timescales via the DPS for tender responses is 10 days. These timescales were followed to ensure a compliant tender was undertaken.

3 Sponsor Business Case

- 3.1 The sponsor's business case has been submitted by Catherine Hinwood who is the Head of Organisational Development for the CCMD.
- 3.2 The contract requirement is for an initial 47 posts, for 2 years or which ever comes first.

4 Tender Evaluation Methodology

- 4.1 The Tender evaluation was based on the most economically advantageous tender, with the non-price criteria measured against pre-defined criteria. A pre-determined benchmark score of 80.00 was set (measured against the total weighted score). The benchmark score of 80 was set prior to the tender and all bidders were informed of it within the tender documentation.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/267693/contract-management-review.pdf

² <http://www.nao.org.uk/report/transforming-governments-contract-management-2/>

5 Contract Management

- 5.1 The contract will be managed on a day to day basis by the stakeholder, Catherine Hinwood will be the SRO with Carol Kelly-Smith working on the contract management plan in the CCMD.

6 Contract Award

- 6.1 It is recommended that Hays Specialist Recruitment Ltd is awarded the contract to supply the specialist recruitment campaign for band A's and band B's to the Commercial and Contract Management Directorate.

Recommendation & Award Document

- Official Sensitive -

Recommendation and Award Document

Project name Provision of a Specialist Recruitment Campaign for Band A's and Band B's in the Commercial and Contract Management Directorate
4262-2-Professional Services-N-RFP

Release Version: 1.0
Date: 16th December 2014

Responsibilities	Author:	Scott Massey
	Owner:	Chris McComb
	Client(s):	Commercial and Contract Management Directorate

Revision History	Version	Date	Summary of Changes
	1.0	16/12/14	

Approvals	Name & Position	Signature	Date
	Scott Massey		16/12/14
	Samantha Hayes		17/12/14
	Chris McComb		17/12/14
	Finlay Murray		17/12/14

J GIBLETT



18/6/15.