

## Non Salaried Inspectors 2018

Pre Tender Questions & Responses

Contract number PINS 17/2/781

4 September 2018

# 1. Questions and responses

- 1 A number of pre-tender clarification questions were raised independently and at the Supplier Event.
- 2 These have been anonymised and are listed below in categories. Where questions were the same / similar these have been edited and made into one question.

Question		PINS Response
<b>PROFESSIONAL INDEMNITY INSURANCE</b>		
1	Please explain the need for Professional Indemnity Insurance and why it is set at £5M	<p>For the purposes of contracting with the Planning Inspectorate we will indemnify you against anything that occurs whilst undertaking the role of a Non Salaried Inspector.</p> <p>However, if the issue / incident is proven to have been caused by an act of negligence on the part of the NSI the Inspectorate reserves the right to reclaim any losses from the NSI. Professional Indemnity Insurance is therefore required to cover you against claims from the Inspectorate and we recommend a minimum level of Personal Indemnity Insurance of £1M.</p> <p>Please note:</p> <ul style="list-style-type: none"> <li>· <b>Clause 26.2 of the Conditions of Contract has been amended from £5M to £1M.</b></li> <li>· <b>Clause 40.1 has been amended to include the word "negligent"</b></li> </ul>
2	Reading the contract it appears that an NSI would have to pay any costs awarded by the courts if a decision is challenged in the courts. Is this really the case? The payment per case is tiny compared to such risks if so. It could bankrupt a sole trader.	See above
<b>TAX</b>		
3	Please confirm the tax position of contracting with the Inspectorate as a Non Salaried Inspector. Previously there has been a requirement to have 2-3 other clients.	The Inspectorate has sought independent advice and we have deemed the role of the NSI TO BE outside the scope of IR35 intermediaries. There is no minimum requirement for the number of clients you have. However, if you have any doubts or questions we recommend that you seek your own personal assurance.

Question		PINS Response
<b>TENDERS</b>		
4	Do people set up their own companies to be a Non Salaried Inspector?	<p>If they wish to. It is not a requirement to be a limited company and you can contract with us as a Sole Trader.</p> <p>It is also not necessary to set up a company to solely deal with contracting with the Planning Inspectorate; NSIs with a limited company may contract with us via that company.</p>
5	The Tender template says in the final part that 2 sides max is expected for the CV section – does that include anything that might be added under additional information?	<p>CVs should be a maximum of 2 pages and then you may include anything else which will add value to your tender in the section for additional information.</p> <p>It is essential that you use this to cover the key skills and experience that we are looking for. Please refer to the tender documentation to ensure that you understand what they are. Also refer to the evaluation matrix which details how we will mark your tender.</p>
6	In the tender template in the section referring to professional membership there is a box on location. What is this for?	Apologies, this is an error on the form. Please leave it blank or put your home town in there. If you have already submitted your tender there is no need to re-submit.
<b>WRITTEN TEST</b>		
7	Will I have to do a site visit as part of the written test?	No - you will be provided with enough evidence to make a decision. The location of the site will be fictitious.
8	Unavailable to undertake written test on 20 September, are other dates available?	The test will now be issued 14/15 September with a return date of 5pm on 24/9.
9	Where will the written test take place?	The test is to be done remotely at a location of your choice.
<b>INTERVIEWS</b>		
10	Will the interviews be Competency based?	<p>No - this is a procurement so we are looking for contractors to demonstrate the skills and experience we have indicated in the tender documentation.</p> <p>Stage 2 will be the technical test and Stage 3 will be the interview where we will meet you and evaluate how well you will represent the Planning Inspectorate when undertaking the role of a Non Salaried Inspector.</p> <p>The Evaluation Criteria we will use for each stage can be found at Annex C of the Invitation to Tender Documentation</p>

Question		PINS Response
11	Is it possible to have a telephone or video call interview?	For Stage 3 it is a requirement to meet face-to-face so this is not possible
<b>CONTRACT</b>		
11	Does each appeal type have different target dates if more difficult?	The contractual targets are dependent on the complexity of the cases - HAS/CAS 21 days from Site Visit to the submission of decision, S78 21 days and Enforcement 28 days
12	Is there a standard invoice template?	Yes - if you want one this can be provided
13	Are expenses reimbursed separately from fee claims?	No – expenses should be invoiced at the same time as the fees clearly indicating the cases that the expenses refer to
14	Do you have to be already set up as a company / sole trader or can you do it once the contract is awarded	Yes it is necessary to do this before you start working for us, the contract will be awarded to the Ltd Co or Sole Trader.
15	Is it possible to set yourself up as a sole trader just to work for PINS	Yes if you choose to do so
16	Will there be any opportunity to expand into Lots if you want to	Tick all boxes if you want the option to move Lots, then manage your casework through your availability
17	CPD - is this a requirement of the role	We do not ask you to undertake CPD for us, we expect you to follow the CPD requirements of the professional body you are a member of.
18	Would I be expected to adhere to PINS code of conduct?	Yes - this is a requirement of you contracting with the Inspectorate
19	Member of the Law Society, but does not hold a practicing cert therefore does not have to do CPD or have PII cover.	There is no requirement to hold a practicing certificate to be contracted as a NSI. PII cover is expected, see Q1 above.
20	I would be able to attend the briefing on 21-25 January but cannot start work until w/c 8 February. Is there any difficulty in that?	No, although we have indicated that work will start the following week, the work will be staggered over the month,
21	There are a number of break clauses in the contract for PINS. Can an NSI terminate the contract early if necessary?	You so not have to commit to offering any availability at any time and if you wish to stop being a NSI just let us know
<b>BRIEFING</b>		
22	How long will the briefing be?	5 days
23	Necessary for Incumbent NSIs to attend the whole briefing	Our preference would be for all NSIs to attend the whole briefing but we are currently looking at an abridged version for incumbents.
24	Where will the briefings be?	Probably London, but we are considering doing one in Bristol and one in London
25	5 consecutive days - do we have to travel daily?	We will pay for overnight accommodation if this is required to ensure that you are there for a full 9 - 5 day.
26	Can we book the hotel for NSIs?	We will consider that and look into the viability of it.

Question		PINS Response
27	Is there specific training required for Enforcement Cases?	The initial briefing will not initially include S174 or S195 as all NSIs will be expected to undertake a few S78 cases first. Once we are satisfied that the S78 work is up to standard then NSIs who wish to undertake Enforcement or LDC work will be required to attend an additional briefing day to cover this work.
<b>ALLOCATIONS</b>		
28	How much flexibility is there on the number of cases per month?	The flexibility will depend on the amount and type of casework available for us to be able to make sensible allocations.
29	Lots of work - if you apply for 2 Lots does this mean a commitment of 16 cases	It is up to you how many cases you commit to and you may do a combination of Lot 1 (S78) and Lot 2 (HAS/CAS) casework. Lot 3 Enforcement cases would be allocated separately as these are dealt with by different teams.
30	If we apply for lots 1 and 2 are we likely to be given a fair mix of both S78 and HAS/CAS cases	We will be looking to issue mainly S78 cases for the first 6 months of the contract and then more of a mix going forward.
<b>CASEWORK</b>		
31	What happens if a WR escalates to a Hearing?	If this does happen the case will be re-allocated to a Salaried Inspector
32	Is there any scope for NSIs to take on Informal Hearings under this contract?	Not at this time.
33	Is there a particular shortage of Inspectors holding certain specialisms?	Although we have shortages from time to time, the type of casework allocated with NSIs is a general allocation with no particular specialisms.
34	Is there a threshold for small scale development? At what scale is a WR appeal moved up to a Salaried Inspector?	It is not really about scale, but about complexity. We use an allocation matrix to assess the complexity of the case and NSIs will be allocated HAS/CAS work, S78 levels F, G & H and Enforcement up to Level D. If NSIs receive casework they believe has been incorrectly allocated then these can be rejected and returned to the case officer for re-allocation
35	Green belt cases were mentioned [at the briefing] - these were traditionally Level F or above - what is the highest level of casework an NSI would be expected to deal with?	See above
36	Do we have to be a member of NAPE for Enforcement work?	No – you need to be a member of a Professional Body as listed in the Invitation to Tender documents
37	Would I have access to the Handbook?	Yes - the Inspectors Training Manual will be sent to you and updated regularly. This is available to the public if requested.
38	Is the manual updated on ad hoc basis or periodically	Ad hoc, so NSIs must keep up to date with these updates as part of your contractual obligations. Each updated chapter will be highlighted for easy reference.

Question		PINS Response
39	Is work sent electronically or in paper form?	We use a portal to download casework which is then uploaded by NSIs. Exceptions can be made for Plans and colour photos, if required.
40	Will we receive paper copies of plans? Plans can be difficult to view on a laptop	See above
41	Are Enforcement cases still dealt with on paper files?	Yes - Enforcement are usually paper files. We are in a transition towards electronic, but it will take some time. Once the file is opened in paper it will stay in paper
42	Are paper files sent securely?	Yes, we use the courier ParcelForce.
43	What proportion of appeals require an accompanied SV?	There are 3 types of Site Visit - Accompanied (LPA & Appellant present), Access Required and Unaccompanied. The majority are Access Required, there are very few accompanied. The Access Required SV is very flexible, you don't have to set a time, AM or PM is normal, although it would be better to offer a 2 hour slot.
44	Are days of the SV fixed	You choose it but you do need to tell us when so we can inform the appellant, and the contractual clock starts ticking. Once you confirm we will write to the appellant to let them know when you are coming
45	Never seen Inspector take out a camera - is there a reason for that?	There is a risk that you could be accused of gathering your own evidence so use a camera with caution. Photos are used by some Inspectors as an aide memoir but always seek permission and be clear that you are not gathering evidence. Photos must be disposed of in line with GDPR.
46	S78 & Enforcement cover wide range of complexity, will they be batched with a balance of complexity	No, generally location will determine the allocation, not the complexity as this provides the most efficient allocations.
47	Can we confirm the workloads that will be available?	For the first 6 months (at least) of the new contract there will be a significant increase in the work offered. Whilst there will be constant work available for the increased number of NSIs, we cannot provide any guarantees of how much at this stage but we would be looking for NSIs to offer to take around 4 cases per month and we will endeavour to fulfil that availability.
48	How long does PINS expect each type of case to take for an NSI to process?	This Obviously varies from case to case, but estimate around 1-2 hours to read evidence, 40 mins per site visit plus travel time and 3-4 hours to write the decision.

Question		PINS Response
<b>CONFLICTS OF INTEREST</b>		
49	What constitutes a Conflict of Interest?	NSIs are responsible for advising the Inspectorate of any conflicts of interest (real or perceived). In some instances it will be necessary to preclude you from working in certain areas or on casework involving certain organisations, such as where you live and / or work regularly. There may also be times where you come across a colleague / acquaintance and it would not be appropriate to carry on with that case. It is the responsibility of the NSI to bring this to the attention of the Inspectorate immediately so that action can be taken.
50	Place of work / residence are different how do you put that on the tender form	We would normally use your business address for correspondence and scheduling purposes. However, you should preclude yourself from both areas see above.
51	Are we restricted from working in LPA where we live	Not necessarily, if the LPA is large, it may be more practical to preclude yourself from certain postcodes - where you / your family lives, where people you know live for example
52	Is there a time limit on preclusions?	This is up to you to make a judgement call. You should remember that preclusions may also be down to perception rather than actual. You can add and delete as you need to but it is your responsibility to recognise any potential conflicts.
<b>QUALITY</b>		
53	Will decisions require pre-issue reading?	Yes - for a period of time, until the desired quality standard is reached, all decisions will be subject to pre-issue reading.
54	How many errors are there on WR cases?	Not many challenges, but there are errors such as spelling mistakes or getting the name of the street wrong. All these errors are counted and our quality score is affected.
55	As an existing NSI for 14 years, if accepted through this procurement process, would my decisions still need to be read before issuing? Existing NSI have previously been through this process and are still subject to post decision reading for quality purposes, or at least have in the recent past.	It will still be necessary for existing NSIs to go through the reading process before issue although it is anticipated for the current NSIs this will be "light touch". It will be especially important for S78 decisions as it is some time since these have been done.
<b>OTHER</b>		
56	Would there be an opportunity to transfer from an NSI to salaried Inspector?	There is no direct route to transfer from NSI to Salaried Inspectors and NSIs would have to apply as part of recruitment, but it would be likely that you would have a competitive advantage over other applicants as you will have relevant experience.

Question		PINS Response
57	Unable to attend but would like a copy of the Qs raised at the event	Copies available
58	I am away on 30 August and will not be able to attend the Open Day. Will that put me at a disadvantage?	No – all tenders will be marked in accordance with the evaluation criteria.
59	As an existing NSI for 14 years, if accepted through this procurement process, would my decisions still need to be read before issuing? Existing NSI have previously been through this process and are still subject to post decision reading for quality purposes, or at least have in the recent past.	It will still be necessary for existing NSIs to go through the reading process before issue although it is anticipated for the current NSIs this will be "light touch". It will be especially important for S78 decisions as it is some time since these type of cases have been done BY NSIs.