



AN ANALYSIS OF SOCIAL CLAUSE IMPACTS BETWEEN VARIOUS OPTIONS TESTED IN GOVERNMENT CONSTRUCTION CONTRACTS

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ABSTRACT:

The triple-bottom-line for construction sustainability proposes three main pillars: environmental, financial and social. Governments recognised that public spending through the procurement process is capable of instigating social change through social clauses in construction contracts. Northern Ireland was one of the first test areas to implement this within the United Kingdom. After the initial pilot clauses were trialled, “Buy Social” was implemented in pilot form. However, no assessment of “Buy Social” was conducted prior to this study, which examines impacts from a “Buy Social” and previous social clause perspective. An online structured survey gathered responses from all eight of the pilot construction projects gathering information on benefits to organisations and New Entrance Trainees (NETs). Findings indicate 63% of organisations would voluntarily adopt social clauses. A large number of social clause impacts on NET’s are documented: the most positive being that after being involved in social clauses 88% were considered more employable.

Keywords: Construction Social clauses, “Buy Social”, Corporate Social Responsibility, Northern Ireland, New Entrance Trainee, NET

АНАЛИЗ НА ВЪЗДЕЙСТВИЯТА НА СОЦИАЛНАТА КЛАУЗА МЕЖДУ РАЗЛИЧНИТЕ ВАРИАНТИ, ИЗПИТАНИ В ДОГОВОРИТЕ ЗА ДЪРЖАВНО СТРОИТЕЛСТВО

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Тройната линия за устойчивост на строителството предлага три основоположни направления: екологично, финансово и социално. Правителствата признаха, че публичните разходи чрез процеса на възлагане на обществени поръчки могат да предизвикат социална промяна чрез социални клаузи в договорите за строителство. Северна Ирландия беше една от първите тестови зони, които приложиха това на територията на Обединеното Кралство. След изпробване на първоначалните пилотни клаузи, „Buy Social“ се реализира в пилотна форма. Въпреки това, не беше направена оценка на „Buy Social“ преди това научно изследване, което разглежда влиянията от гледна точка на „Buy Social“ и предишна социална клауза. Онлайн структурирано проучване събра отговори от всичките осем пилотни строителни проекта, които събираха информация за ползите за организациите и новите участници в обучението (НУО). Резултатите сочат, че 63% от организациите доброволно приемат социални клаузи. Документирани са голям брой въздействия на социалната клауза върху НУО: най-положително е, че след като са участвали в социални клаузи, 88% се считат за потрудоспособни.

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1. INTRODUCTION

Public procurement in construction has been proposed as a means of changing social conditions for the better for the past two decades in respect of the procurement process, employability and reducing poverty (Thai, 2001, [1]; McCrudden, 2004, [2]; Erridge and Hennigan, 2006, [3] Thai and Piga, 2006 [4]; Walker and Brammer, 2009, [5]; Georghiou et al., 2014, [6]; Watermeyer, 2000, [7]; MacFarlane, 2014. [8]; Barnard, 2017 [9]). Thai (2001) [1] in particular, suggested it as a tool for the purchase of goods from local markets to reduce poverty, improving student knowledge and employability by providing experience and the integration of disadvantaged groups such as ethnic minorities.

The European Union (EU) has taken cognisance of this body of work and incorporated sustainable development and procurement within its policy documents improving the initial suggestions of Brundland (1987) [10] who suggested that construction and civil engineering meets the needs of the present generation without compromising the needs of future generations by taking economic, environmental and social considerations. However, Meehan and Bryde (2011) [11] suggest that priorities within the construction industry has led to the neglect of social considerations.

Murphy and Eadie (2019) [12], Eadie and Rafferty (2014) [13] and Eadie et al (2011) [14] have all suggested that public procurement has positive aspects in relation to sustainability and employment if used correctly but that social aspects are often overlooked. Social clauses are incorporated into contracts to ensure that corporate social responsibility aspects are supported legally. They are defined as contractual clauses used to enshrine social considerations in contracts (WRAP, 2018) [15].

Substantial social benefits for smaller countries such as Northern Ireland (NI) (OGC, 2007) [16] can result from a government procurement spend of over £3billion in NI (CPD, 2016) [17]. Procurement involves adding social considerations at prequalification stage, award criteria or performance clauses (Eadie et al, 2012) [18]. NI was used as a test bed for the introduction of social clauses across the United Kingdom. The Procurement Board in NI requested an independent review of the initial guidelines for social clauses by the Strategic Investment Board (SIB) and Central Procurement Directorate (CPD) resulting in the production of new guidelines called “Buy Social” (Buy Social, 2016) [19]. The Programme for Government 2016 – 21 incorporates “Buy Social” as a tool to achieve social considerations (NI Executive, 2017) [20].

“Buy Social” was implemented in April 2016 for building contracts above £2million and civil engineering contracts above £4million (Buy Social, 2016) [19]. “Buy Social” targets New Entrant Trainees (NET’s) that include the long-term unemployed (LTU), unemployed youth, apprentices and students (Buy Social, 2016a) [21]. However, the impacts on each of these groupings have not been assessed. It uses targeted recruitment and training (TR&T) to hire these types of individuals through brokers or brokerage organisations (Buy Social, 2016b) [22]. Brokers provide training, education, mentoring and support (Buy Social, 2016) [19]. Literature was divided on whether social clauses should result in mandatory or voluntary CSR: MacFarlane (2014) [8] stated contractual approaches are better, but Tricker & Tricker (2014) [23] argued they should be voluntary. Other aspects such as the costs associated with social clauses caused criticism (Erridge, 2007, [31]; Doane, (2005), [32]) whereas Dowd (2016) [35] suggests social clauses drive revenue. This difference in opinion suggests the need for a study such as this to get empirical data on the current situation, a role this paper performs.

It was recommended that an assessment and report into social clauses was carried out (NI Assembly, 2009 [24]; Buy Social, 2016b [22]); however, there is no published information to date. This paper seeks to fill this knowledge gap. It examines the benefits to participants (NETS) and compares the benefits accrued in the previous guidelines.

2. METHODOLOGY

An on-line survey was conducted using the LimeSurvey software (LimeSurvey, 2018) [25]. LimeSurvey distributes reminders, collects responses and completes statistical analysis (Business Software, 2018) [26]. A pilot study using informed academics and staff at the Strategic Investment Board who manage “Buy Social” resulted in no change to the questionnaire. Pre and post notification was carried out as it increases response rates by 25% (Sheehan, 2001) [27].

All the organisations listed as being involved with the “Buy Social” pilot project under a construction contract in NI were contacted (Buy Social, 2017) [28]. Service contracts were excluded, leaving the eight pilot construction projects to be surveyed and full responses were received from each. The 100% response rate meets the validity requirements suggested by Isaac and Michael (1995) [29] to achieve a maximum of less than 5% error in the responses.

The relative importance index (RII) formula was used to rank respondents answers in order of importance to allow comparison with other studies such as Eadie *et al.* (2012) [18].

$$\text{Relative Importance Index (RII)} = \frac{\sum W}{A * N} \quad (0 \leq \text{index} \leq 1) \quad (1)$$

Where

W weighting for each impact between 1 and 5, with 1 being least important and 5 being the most important

A the highest weighting given by respondents

N the number of respondents

3. FINDINGS

Findings on Respondents experience with social clauses

Due to the 2016 start, the majority of respondents (63%) had only worked on one to five contracts with social clauses. As required by the method, the experience of the type of social clauses experienced proved 100% had experienced “Buy Social”, but additionally indicated 63% had experience with the previous social clauses guidelines and 13% had experienced ‘other’ social clauses, stated as the Belfast City Council clauses. The level of experience was therefore adequate for the study.

Findings on mandatory and voluntary CSR

This research found that the majority (63%) would still contribute to CSR if social clauses were voluntary, 25% would not and 13% were not sure. Additionally, exactly the same percentages would voluntarily contribute beyond legal requirements of social clauses (63), 25% would not and 13% not sure. These results are positive as a large proportion of respondents would voluntarily contribute and contribute beyond the legal requirements of social clauses.

Findings on the amount of NETs

All responding organisations employed a range of students, apprentices and the long-term unemployed. Eighty-eight percent (88%) of organisations employed students, eighty-eight (88%) employed apprentices and all (100%) employed at least one LTU. This same percentage of organisations considered those they employed as being more employable as a result. Since this new scheme began, respondents employed 53 students, 35 apprentices and 43 LTU. Compared to the previous scheme this provides a more balanced approach to NET employment as organisations relied mainly on student placements: targets met 71% of the student placements, 24% of training and 15% of work experience (Department of Finance and Personnel, 2014) [30].

Findings to the impacts experienced by NET’s when undertaking social clauses

Respondents were asked to rank positive and negative impacts in order of importance for students, apprentices and the LTU. Table 1 indicates these rankings. The highest ranked positive impact for students and apprentices was gaining industry experience with an RII of 0.97 and 0.83 respectively, and for LTU it was employment (RII= 0.91). The impact deemed least important to students and apprentices was paid employment with an RII of 0.83 and 0.70 respectively but to the LTU it was developing skills (RII=0.49). The LTU consider paid employment as most important in contrast to students and apprentices where it is deemed least important. Students and apprentices ranked gaining and developing skills higher than the LTU as they often require industry experience as part of academic study but it also has many benefits for the long term unemployed, the security of paid employment is a clear benefit, thus considered most important.

Table 1: Benefits to different types of NET

| | Students | | | | Apprentices | | | | Long Term Unemployed | | | |
|---------------------------------|----------|-----|------|------|-------------|-----|------|------|----------------------|-----|------|------|
| | $\sum W$ | AxN | RII | Rank | $\sum W$ | AxN | RII | Rank | $\sum W$ | AxN | RII | Rank |
| Gain industry experience | 29 | 30 | 0.97 | 1 | 25 | 30 | 0.83 | 1 | 31 | 35 | 0.89 | 2 |
| Gain or develop skills | 28 | 30 | 0.93 | 2 | 25 | 30 | 0.83 | 1 | 28 | 35 | 0.49 | 5 |
| Professional development | 28 | 30 | 0.93 | 2 | 25 | 30 | 0.83 | 1 | 24 | 35 | 0.80 | 3 |
| Fulfil educational requirements | 27 | 30 | 0.90 | 4 | 25 | 30 | 0.83 | 1 | 17 | 35 | 0.69 | 4 |
| Paid employment | 25 | 30 | 0.83 | 5 | 21 | 30 | 0.70 | 2 | 32 | 35 | 0.91 | 1 |

Table 2 indicates a clear trend for the most important negative impacts of social clauses as NET's ranked two impacts as most important; Employment only lasting a short time or the duration of a contract (students Rank 2, apprentices Rank 1, LTU Rank 1) and no guarantee of future employment (Students Rank 1, apprentices Rank 2, LTU Rank 3). There was a drop in importance to the final three negative impacts whose importance varied between the groupings. The rankings indicate that students and apprentices seek employment and industry experience over further training.

Table 2: Negatives to different types of NET

| | Students | | | | Apprentices | | | | Long Term Unemployed | | | |
|--|----------|-----|------|------|-------------|-----|------|------|----------------------|-----|------|------|
| | $\sum W$ | AxN | RII | Rank | $\sum W$ | AxN | RII | Rank | $\sum W$ | AxN | RII | Rank |
| No guarantee of future employment | 25 | 30 | 0.83 | 1 | 23 | 30 | 0.77 | 2 | 24 | 35 | 0.69 | 2 |
| Employment may be only be for the duration of a contract or short time | 24 | 30 | 0.80 | 2 | 25 | 30 | 0.83 | 1 | 30 | 35 | 0.86 | 1 |
| Quality of guidance and direction not guaranteed | 19 | 30 | 0.63 | 3 | 17 | 30 | 0.57 | 4 | 16 | 35 | 0.46 | 5 |
| Limited to certain contracts or organisations | 18 | 30 | 0.60 | 4 | 18 | 30 | 0.60 | 3 | 17 | 35 | 0.49 | 4 |
| Additional training is required | 16 | 30 | 0.53 | 5 | 17 | 30 | 0.57 | 4 | 23 | 35 | 0.66 | 3 |

Findings in Improvements to NET's

Table 3 indicates the improvements in NETs assessed from an employer perspective. The results were segregated into the benefit categories that the government used (Shown bold in Table 3). Elements with less than 50% suggesting improvement are shown in italics in Table 3.

Table 3 Improvements for NETS

| Number and Percentage of Pilot Schemes showing Improvement out of 8 total | | | | | | |
|---|----------|-------|-------------|-------|-----|-------|
| | Students | | Apprentices | | LTU | |
| | No. | % | No. | % | No. | % |
| EMPLOYABILITY | | | | | | |
| Individual became more adaptable | 5 | 62.5% | 5 | 62.5% | 5 | 62.5% |
| Increased opportunities | 6 | 75.0% | 5 | 62.5% | 6 | 75.0% |
| Networking | 2 | 25.0% | 2 | 25.0% | 4 | 50.0% |
| WELLBEING | | | | | | |
| Confidence | 5 | 62.5% | 4 | 50.0% | 5 | 62.5% |
| Working Relationships | 6 | 75.0% | 6 | 75.0% | 4 | 50.0% |
| Health and Safety | 5 | 62.5% | 5 | 62.5% | 5 | 62.5% |
| Overall Wellbeing | 3 | 37.5% | 3 | 37.5% | 5 | 62.5% |
| SKILLS | | | | | | |
| Technical skills | 5 | 62.5% | 6 | 75.0% | 5 | 62.5% |
| Communication and people skills | 6 | 75.0% | 5 | 62.5% | 5 | 62.5% |
| Organisational skills | 4 | 50.0% | 4 | 50.0% | 6 | 75.0% |
| ENVIRONMENT | | | | | | |
| Providing a suitable environment | 6 | 75.0% | 5 | 62.5% | 5 | 62.5% |
| Addition or change of training | 4 | 50.0% | 4 | 50.0% | 4 | 50.0% |
| Change in facilities provided | 1 | 12.5% | 3 | 37.5% | 1 | 12.5% |
| Level of contribution | 1 | 12.5% | 4 | 50.0% | 3 | 37.5% |
| Change working patterns to suit | 3 | 37.5% | 3 | 37.5% | 3 | 37.5% |

Improvements to Employability

Table 3 indicates that 6 out of 8 pilots (75%) reported increased opportunities for students and LTU with 5 out of 8 (62.5%) reporting this for apprentices. A similar amount 5 out of 8 (62.5%) reported in all three categories that the NET became more adaptable. The third element networking had a disappointing result. Half of the pilots reported that it allowed LTU to network; however, networking appears limited for apprentices and students with only 2 out of 8 indicating an increase.

Improvements to Wellbeing

Over half of the organisations reported an increase in wellbeing in three out of the four categories shown in Table 3. Predominantly positive results were seen in confidence, working relationships and Health and Safety for all three groups. The overall wellbeing shows reporting of a larger improvement for LTU which indicates that the self-respect from the employment means a lot to them having experienced a time where they could not find work.

Improvements to Skills

The skills improvement within the groupings produced majority positive results from all the categories. This shows that the social clauses have a positive impact on skills development and accomplishes the positive outcome intended in the main.

Improvements to Environment

All NET employer's considered the provision of a suitable environment to be the biggest improvement in the overall environment section. This indicates that that the move from school or from unemployed status is advantageous in terms of improved mental health. Training was found to be a positive outcome of the social clauses by the majority of employers. However, level of contribution, having to change facilities and working patterns were considered minor aspects. This indicates that the majority of those employed fitted into the ethos and structure of the organisations involved.

Findings comparing impacts of “Buy Social” to the previous guidelines

A number of very positive aspects of “Buy Social” can be seen from Table 4. The original social clauses were seen more as charity with giving back to society ranked in top position and the legal obligation to hire and train in joint second place. However, these aspects have dropped to second and third positions respectively. The skills shortage in construction can be seen to have changed the main background driver on the benefit side to “Find and develop new or young talent”. This suggests that the introduction of “Buy Social” has encouraged organisations to realise the employment benefits of social clauses by securing talented employees.

Table 4 Comparison of benefits of both schemes

| | “Buy Social” | | | | Previous Social Clauses | | | |
|--|--------------|-----|------|------|-------------------------|-----|------|------|
| | W | AxN | RII | Rank | W | AxN | RII | Rank |
| Find and develop new or young talent | 26 | 35 | 0.74 | 1 | 15 | 25 | 0.6 | 4 |
| Giving back to society | 25 | 35 | 0.71 | 2 | 18 | 25 | 0.72 | 1 |
| Must hire people to fill legal obligations | 24 | 35 | 0.69 | 3 | 17 | 25 | 0.68 | 2 |
| Train employees up from an early level and avail of experience | 23 | 35 | 0.66 | 4 | 17 | 25 | 0.68 | 2 |
| Help improve unemployment and youth unemployment rate | 22 | 35 | 0.63 | 5 | 15 | 25 | 0.6 | 4 |
| Retention rate | 20 | 35 | 0.57 | 6 | 14 | 25 | 0.56 | 6 |
| Fill employment gaps | 18 | 35 | 0.51 | 7 | 14 | 25 | 0.56 | 6 |
| Financial Gain | 14 | 35 | 0.40 | 8 | 11 | 25 | 0.44 | 8 |

Table 5 indicates the ranking negative aspects of employment under the social clauses. The fact that the apprentices under the “Buy Social” scheme now have a fully funded academic element to the apprenticeships available to them has seen the negative financial implications drop from a rank of first place under the old scheme to fifth position under “Buy Social”. The lack of a guarantee of long-term work has now risen to be the dominant negative from the current “Buy Social” scheme. It was ranked in second place under the previous scheme but is now ranked in first position. Means of ameliorating this impact should be sought by those working in government policy. Financial gain was considered least important for both schemes: RII of 0.40 and 0.44 respectively. Additionally financial gain, retention rate and filling employment gaps were ranked the lowest three impacts for both schemes. This indicates that social clauses are more about employee benefits than financial gain.

Table 5 Comparison of negatives of both schemes

| | “Buy Social” | | | | Previous Social Clauses | | | |
|--|--------------|-----|------|------|-------------------------|-----|------|------|
| | W | AxN | RII | Rank | W | AxN | RII | Rank |
| Employees not guaranteed to be long term | 30 | 35 | 0.86 | 1 | 20 | 25 | 0.8 | 2 |
| Quality and speed of work can be compromised | 27 | 35 | 0.77 | 2 | 19 | 25 | 0.76 | 3 |
| Employees can lack skills, experience and competency | 27 | 35 | 0.77 | 2 | 19 | 25 | 0.76 | 3 |
| Additional training is required | 26 | 35 | 0.74 | 4 | 19 | 25 | 0.76 | 3 |
| Negative financial implications | 24 | 35 | 0.69 | 5 | 21 | 25 | 0.84 | 1 |
| Unreliable | 23 | 35 | 0.66 | 6 | 17 | 25 | 0.68 | 6 |
| Inconvenient | 20 | 35 | 0.57 | 7 | 17 | 25 | 0.68 | 6 |

The negative impacts of unreliability and inconvenience suggested by previous literature appear to not be as important as some have suggested. These were ranked as the least important under both schemes. However, with the minimum RII of 0.57 they are still a concern to over half of the organisations.

Findings on knowledge of social clauses in Northern Ireland

The results on promotion of social clauses are an aspect that causes concern. All respondents (100%) found out about them through government organisations only, suggesting other promotion methods should be used to reach a wider audience. The government message has been better under “Buy Social” with 43% of respondents considered their knowledge to be *very strong* compared to 20% of respondents with *very strong* knowledge of the previous guidelines. Wider publicity through professional bodies is required to drive future adoption.

Findings on Better outcomes

Most respondents consider “Buy Social” to have better outcomes than the previous clauses: 50% of respondents, 25% of respondents considered the previous guidelines to have better outcomes and 25% of respondents were not sure which had the better outcomes. This shows that the government has made progress in the development of “Buy Social” but has some amount of progress still to make.

3. DISCUSSION AND CONCLUSIONS

The percentage of organisations supporting the outcomes from “Buy Social” is now double that of the previous version indicates that the newer version with the additional support and funding has been an improvement. While the findings indicate that organisations would still voluntarily carry out CSR and employ, on a charitable basis the additional support and funding has improved the success rate and increased the support for the programme.

Previously the negative financial impacts were criticised across literature and this was borne out in the findings in relation to the previous clauses despite some literature suggesting that adopting social clauses can also drive revenue. Erridge (2007) [31] and Doane (2005) [32] both criticised the profitability, financial impacts and increased costs associated with social clauses. In contrast, Dowd (2016) [33] suggests social clauses drive revenue. The negative financial impact fell from first place under the old clauses to fifth place under the new clauses showing the financial and logistical support provided by government is essential to its success.

RSM McClure Watters (2013) [34] suggest that training costs can be low raising uncertainty to why many respondents considered there to be additional cost impact. Therefore it is recommended that this area is investigated further to find out why respondents consider training to have financial implications as this is contradicted by the government Buy Social (2017) [28] advice which stated there were no financial impacts.

Buy Social (2016a) [21] uses targeted recruitment and training (TR&T), suggesting minimal or no training is required, as well as minimal costs (MacFarlane, 2014) [8]. Findings showed that respondents found there is a need for some additional training, despite this literature suggesting need for little to no training.

Due to the wide range of proven benefits to NET’s and organisations demonstrated in this research, it is recommended that social clauses are promoted more in the industry and include in more contracts as all of the information came from government sources. It is suggested that more promotion of the social clause impacts from other sources other than government for example professional bodies are used to get the positive aspects more well known.

One of the novel findings of this research was the differences in impact to each type of NET. The RII rankings and improvements to wellbeing, environment, employability and skills demonstrate similarities between younger NET’s such as students and apprentices but these differ from the long term unemployed LTU. This suggests that there should be specific clauses for LTU and joint ones for the younger members: apprentices and students.

This research was based on the list of “Buy Social” pilot projects before the data gathering in November, 2017, however the list of projects has since increased. As of March 2019, the list contains over 57 contractors on live contracts. The updated list also had wider client organisations, new specific clauses for looked after children, previous offenders and the disabled (Buy Social, 2019) [35]. It is recommend that further investigation is conducted when these projects complete to further strengthen the findings of this research.

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