

## Chapter 3

### THE SOCIAL VALUE IN SOCIAL CLAUSES: METHODS OF MEASURING AND EVALUATION IN SOCIAL PROCUREMENT

Deirdre Halloran\*

#### INTRODUCTION

Public procurement can be defined, “as the supply chain system for the acquisition of all necessary goods, works and services by the state and its organs when acting in pursuit of public interest” (Bovis, 2005, p.14). Adapting Trepte’s abstracted procurement regulatory model (Trepte, 2004) provides a conceptual framework for examining the underlying objectives of procurement regulation. Trepte divides public procurement regulatory goals into three categories: economic, political and international and finds that the interrelationship between these different objectives gives rise to tensions between the different systems. It is the economic and political categories that provide a framework in this paper for an examination of the tensions that are evident in the debate regarding the legitimacy and effectiveness of using the award of public contracts to pursue horizontal objectives.<sup>1</sup> This paper examines these tensions in order to clarify how the seemingly differing approaches of the economic and political models can coexist without detracting from the legitimacy of any horizontal policy activity. This paper proposes that there is an overemphasis on economic goals and that focusing initially on creating good outputs will be critical to the development and widespread use of Social Value measurement tools.

This chapter first examines the concept of social procurement and the legal and policy background to social clauses in the UK and Ireland are outlined. Using Trepte’s abstracted procurement regulatory model (2004) as a conceptual framework, the regulation of public procurement is examined together with the pursuit of

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\* *Deirdre Halloran, BSC, BCL, LLM, Is a Ph.D. Candidate in the School of Law at the National University of Ireland, Galway. Her research, which is funded by the Irish Research Council, is entitled Community Benefit Clauses in Public Procurement: A Comparative Legal and Policy Analysis.*

horizontal policies by means of public procurement. Next, the methods of measuring and articulating Social Value in social procurement are surveyed, along with definitions of Social Value and social evaluation concepts. An overview of evaluation frameworks is presented, focusing on social value frameworks for social procurement. Examples of evaluating social value are shown and a 2015 report by the University of Glasgow for the Scottish Government is relied on to demonstrate the need for a more comprehensive evidence base to be developed around the longer-term impact of social clauses. The paper concludes by calling for: further research into the validity of the concept of Social Value; greater clarity over vocabulary and concepts related to Social Value; and the categorization and assessment of Social Value measurement frameworks in the field of social procurement and social clauses.

#### **SOCIAL PROCUREMENT**

The concept of social procurement can be traced to the nineteenth century when governments in the UK, France and the US started to use their purchasing power to address the under-representation of marginalized groups in the workforce (McCrudden, 2004). There has been a recent resurgence in interest in social procurement, catalyzed by the importance the EU has placed on public spending that achieves social and environmental goals; the 2014 Procurement Directives; and new national legislation such as the UK's Public Services (Social Value) Act 2012 and the Procurement Reform (Scotland) Act 2014.

The three new Procurement Directives were adopted by the European Parliament and the Council in the Spring of 2014 and Member States are required to implement/ transpose them into national legislation by 17 April 2016.<sup>2</sup> Through the 2014 Directives, it can be said that the EU has strengthened the ability of Contracting Authorities to provide Social Value through procurement processes and have reinforced the legitimacy and importance of doing so. The Recital to the 2014 Directive states that the EU seeks, "a better integration of social and environmental consideration in the procurement procedures". Furthermore, buyers "should be allowed to use award criteria or contract performance conditions relating to the works, supplies or services, in all aspects and at any stage of their life cycle, even where such factors do not form part of their material

substance.” It also notes that, “award criteria are intended to assess the value of the tender from the point of view of the Contracting Authority,” emphasizing that it is the procurer who is to choose what it identifies as being of value.

The introduction of the UK Public Services Social Value Act (2012) was an importance advance for social procurement, as it requires public authorities to have regard to economic, social and environmental well-being in connection with public services contracts. Meanwhile in Scotland, the Procurement Reform (Scotland) Bill 2014 also creates obligations on Scottish public sector contracting authorities to consider how it can, throughout the procurement process, “improve the economic, social, and environmental wellbeing of the authority’s area”. This has created a “new sustainable procurement duty”, on contracting authorities to consider the social impact of their purchasing requirements.

### **Background of Social Clauses<sup>3</sup> in The UK And Ireland: Law and Policy**

A social clause (also known as a community benefit clause) is a legal requirement within a procurement contract, which stipulates that the contract must provide added Social Value (Halloran, 2014). Social clauses are a mechanism for implementing horizontal policies in procurement, by creating a contractual requirement laid down by the procuring entity that all tenderers must meet. It can also be part of the award criteria that gives credit to the tenderer for the environmental or social benefits of their tenders. These contractual requirements may relate to the contract, or they may go beyond it.

If related to the contract, they may relate to consumption effects (such as pollution when a product is used); production or delivery effects (pollution in producing a product); disposal effects (such as whether it can be recycled); or workforce matters (such as the terms and conditions of workers on the contract). When unrelated to the contract they may relate to conditions intended to promote compliance with standards or requirements that are not limited to the contract work. EU law differentiates between contractual requirements that pertain to performance of the contract and are therefore permitted and all other types, which are not. However, there is some debate about how to distinguish between both types,

including how to define requirements concerning the manner in which products are produced (Arrowsmith & Kunzlik, 2009).

In 2002, a report by Richard Macfarlane and Mark Cook, “Achieving Community Benefits through Contracts: law, policy and practice”, for the Roundtree Foundation clarified what was allowed in a procurement contract in relation to community/ social benefit in the UK. It concluded that contrary to common perceptions, the inclusion of community/ social benefits in procurement contracts can be permissible under UK public procurement policy and EU law. The report detailed how Community Benefit Clauses [CBCs] could appear in the contract’s core conditions, providing they relate to the subject of the contract, and could include anything from equal opportunities and support for the disadvantaged to community initiatives and environmental targets. The approach of Richard Macfarlane and Mark Cook to CBC’s has since been widely adopted in the U.K.<sup>4</sup>

According to Macfarlane, in the UK government and England, the policy focus at present is on ‘green procurement’ rather than social/community benefits, a weakness, he finds, that needs to be addressed. One advance is the introduction of the Public Services (Social Value) Act 2012 in the UK. The policy position and the commitment to using procurement to add Social Value are stronger in Scotland and Wales than in England, and there is experience of incorporating targeted recruitment and training requirements in public contracts, including government contracts. Targeted Recruitment & Training (TRT) is a type of social clause that allows contracting authorities to specify in the contract that labor used must be sourced from particular groups. TRT clauses are used to target the long term unemployed and young people but can also be used to target other vulnerable groups. In Wales, the Procurement Policy Statement includes community benefits as one of nine ‘policy principles’, which the Welsh public sector expected to ‘apply community benefits to all public sector procurements where such benefits can be realized’ and report outcomes to the Welsh Government for all contracts over £2 million. The Welsh Government’s community benefits policy won the UK Civil Service Awards’ Procurement Award in 2012, which recognizes good practice in public procurement (MacFarlane, 2012). In Scotland, community benefit clauses have been a key strand of procurement policy and practice since 2008 (Scottish Government, 2008). The Procurement

Reform (Scotland) Act 2014, which received Royal Assent in June 2014, gives the expectation that CBCs will be used wherever there is an appropriate legal basis.

In Northern Ireland's "Programme for Government 2011-2015," a commitment was made to include social clauses<sup>5</sup> in all public procurement contracts (Northern Ireland Executive, 2012). Local councils in Northern Ireland are also encouraged to consider the inclusion of social clauses in their contracts if it represents "best value for money" and complies with the TFEU and with European Public Procurement legislation.

In Ireland, a Government pilot project using social clauses is currently underway (Irish Department of Public Expenditure and Reform, 2014).<sup>6</sup> Concurrently there are two private member Bills progressing through the Oireachtas (Irish Parliament) on social clauses, the Social Clauses in Public Bill 2013 and the Public Services and Procurement (Social Value) Bill 2015. In local government, Dublin City Council passed a motion in 2015 to allow for the inclusion of social procurement clauses in council contracts and is working on a social clause in Construction Works Policy. The New National Children's Hospital has confirmed that it will be one of the first organizations in the Ireland to include social clauses in the construction contracts for the build phase of the project (Ernst & Young, 2015).

### **CONCEPTUAL THEORY - PUBLIC PROCUREMENT REGULATION**

Bovis (2012) traces the intellectual paternity of public procurement regulation to the neoclassical economic approach to market integration, with a consistent dilution of the rigidity of the neo-classical influence with policy considerations. The conceptual framework that underlies this paper is a work in progress and takes as its starting point the work of Trepte. Following Trepte (2004), we can say that the regulation of procurement markets can be divided into political, economic and international objectives, which can be used as three abstracted regulatory models. Firstly, the economic model referring to the classic free market theory in which competition fuels the economy and produces economic efficiency. This model clearly assumes fair competition and reacts to market failures. Secondly, the political model reflecting the use by governments of procurement as a policy tool to achieve social or political goals. This

quest by the government to use the power of purchasing regulation to further social policies may sacrifice economic efficiency and alter competition, with the aim of adding Social Value. Lastly, the international model acknowledging that governments bind themselves to a number of international trade obligations such as international treaties and trade agreements. Much like the political model, many of the government's purchasing decisions will be influenced by the desire to foster a competitive advantage in the global economy. Therefore, regulation of public procurement takes on the added dimension of protecting, fostering and proactively creating a competitive advantage for domestic sellers and buyers, both public and private (Trepte, 2004). Trepte finds that it is the interrelationship between these different models and the extent to which they are complementary or in conflict which gives rise to tensions between the different systems: a tension which is evident in the area of social procurement and Social Value. See figure 1.

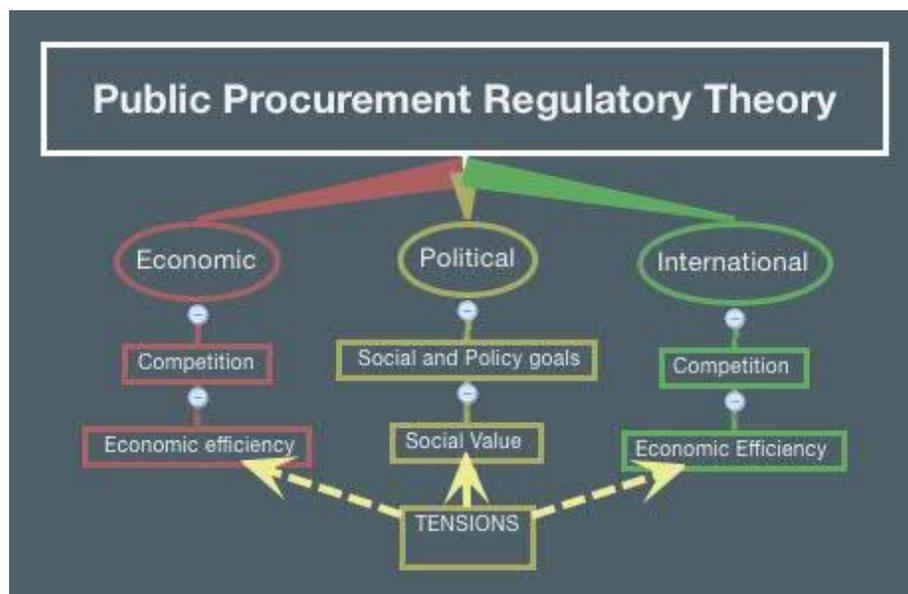


Figure 1: Trepte's Public Procurement Regulatory Theory

The use of public procurement as a policy tool is not new and has covered a range of policy areas including support for fair labor conditions, regional development and the provision of economic opportunities for disadvantaged groups (Arrowsmith, Linarelli & Wallace, 2000), (McCrudden, 2007). Such policies have been referred to as "secondary" in contrast with procurement's so-called "primary" objective of obtaining goods, works or services on the best terms (Priess & Pitschas, 2000). However, this paper will use the term "horizontal" in agreement with Arrowsmith and Kunzlick's view that it is sufficiently generic to embrace all types of policies without the implication that the policies are irregular or ancillary to commercial aspects (Arrowsmith & Kunzlick, 2009 p.14-15). The use of horizontal considerations in procurement seeks to leverage government spending power to promote socially and environmentally responsible practices. In the context of the EU internal market and WTO Government Procurement Agreement, social and environmental objectives must be reconciled with the principles of open competition, transparency and equal treatment.

There is an ongoing debate regarding both the legitimacy and efficiency of using the award of public contracts to pursue horizontal objectives (Semple, 2012) reflecting the conflict predicted by Trepte's economic and political models. On the matter of legitimacy, those against horizontal considerations argue that the dominating aim of EU procurement regulation is to advance competition and to achieve 'value for money'. The most comprehensive and systematic statement of these economic arguments has been made by Graells (2015). While his argument is based in the belief of a neoliberal ideology<sup>7</sup>, as Kunzlick (2013a) points out, horizontal considerations are currently encouraged because of an equally neoliberal preference to use public procurement as a market-based instrument to improve the EU's international competitiveness. Kunzlick also puts forward that the efficiency/value for money norms are not legally justified as the concept of 'competition' to which EU public procurement regulation refers is not the neoliberal 'efficiency' concept, but a concept based upon economic freedom that is concerned with competitive equality and the structure of competition in public contracts markets.

An added layer is added by Arrowsmith who shows that although the pursuit of 'value for money' is the central goal of the domestic

regulation of public procurement, the legal bases on which EU public procurement legislation is founded does not permit it to mandate the pursuit of 'value for money' as a matter of European obligation (Arrowsmith, 2009). In the context of social procurement, 'value for money' is a complex, multi-faceted and value-driven concept that does not equate to neoliberal notions of 'efficiency' as it encompasses not only the value to be achieved by meeting the purchaser's functional need but also wider benefits to society.

Thus, the pursuit of horizontal policies by means of public procurement intended to achieve social policy goals, may be considered to provide true value for taxpayers' money, even though they might cost more than equivalent procurements that do not serve such horizontal policies. This means that while pursuing such political objectives may have a knock-on effect on economic efficiency, it can still be an effective policy method of delivering social benefits. As these different procurement objectives are not normatively recognized, this incompatibility is not generally accepted. The cost of Social Value, the argument goes, outweighs whatever purported good it is supposed to achieve<sup>8</sup>. Therefore, finding effective methods of measuring and articulating Social Value has, in a sense become the Holy Grail of social procurement, aiming to provide a definitive answer as to whether it is, in economic terms, legitimacy and efficiency to use public procurement to achieve social and environmental goals.

#### **SOCIAL VALUE AND SOCIAL PROCUREMENT, AUDITING, MEASUREMENT AND VALUATION**

The core principle of social procurement is to create Social Value through purchasing. However, there is a dearth of empirical evidence on the outcomes and impact of social procurement at the time of writing of this paper. Assessing the evidence on how social procurement produces Social Value requires defining what is Social Value and then finding ways to determine how Social Value has been measured. There is little evidence in the literature of analysis of the Social Value obtained with the original strategic procurement objectives, while academic case studies tend to focus on generalized assumptions by the authors of what constitutes social value, rather than examining the types of value produced in relation to stated aims. Academic research in this area is still in its infancy, with studies

dominated by the grey literature of non-profit organizations, consultancies, research organizations and third sector funding bodies.<sup>9</sup>

As detailed in Power's "The Audit Society", auditing, monitoring and evaluation has become a universal reality in the corporate and public sector, influenced by a number of factors such as the advent of New Public Management (NPM)<sup>10</sup> and the growing requirements for increased transparency in Government activity (Power, 2014). Third Sector Organizations [TSOs] in receipt of government income, report increased pressure to demonstrate their achievements due to the development of more intensive performance regimes in the public sector and shifts towards outcomes-based commissioning (Ellis & Gregory, 2008; Harlock, 2013).

While the measurement and definition of economic value is relatively straightforward, this is not true of Social Value. What can be said is that Social Value broadly refers to soft, intangible outcomes, and to wider outputs, that include the effect an activity has on the wider communities and the environment, and not only on the individual. Social Value is often produced by the indirect impact of activities, such as services delivered by volunteers recruited from disadvantaged groups generating skills development, and social inclusion for those delivering a service as well as for those for whom a service is intended (Arvidson, Malin & Kara, 2013). Furthermore, the definition and measurement of Social Value is unique to every organization, depending on the services and products being produced and on the community stakeholders affected.

According to Barraket, the prevailing assumption about Social Value is that it is measurable (Barraket, Keast & Furneaux, 2016). But, is it? Does Social Value exist as an objective thing? Is Social Value inherently subjective? If so, it follows that the definition relates to what the definer think matter most. So how do you develop mechanisms by which different types of Social Value can be comparatively evaluated? Analysis of the literature finds that Social Value measurement is currently diverse (Wood & Leighton, 2005), 'fragmented' (KPMG International, 2014), 'not yet fully developed' (The Cabinet Office, 2015) and requiring an industry standard (Tomlins, 2015). Many of studies in this field are based on the "blended value proposition", as coined by Emerson (2003); a conceptual framework for value creation in which non-profit

organizations, businesses, and investments are evaluated based on their ability to generate a blend of financial, social, and environmental value, sometimes used interchangeably with the term “triple bottom line”.

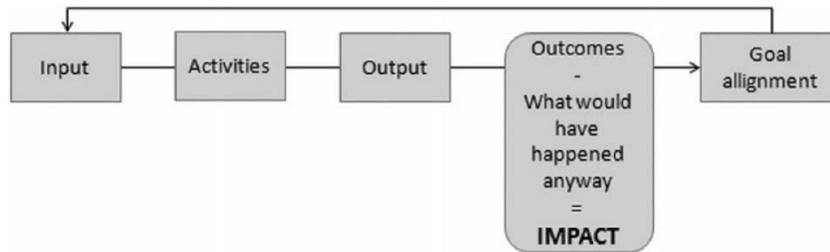
### **Defining Evaluation Concepts**

According to the UK’s Cabinet office, to measure social value, one must be able to measure the “impact” of the Social Value intervention (Cabinet Office, 2015). In the literature, there appears to be an overlapping in the use of the terms ‘social impact’ and ‘social value’ (Cox et al, 2012), such that the social impact results of a project are often used as commensurate with its social value. However, there is an important distinction between these two separate but connected concepts, as in the process of evaluating the impact, underlying assumptions as to the value of the change at a societal level are made.

There is a lack of consensus on the definition of social impact. Variations are found between the different academic fields of social science, business, management accounting and strategic management (Maas & Liket, 2011). It is described as a combination of resources, inputs, processes, or policies that occur as a result of the real, implied, or imagined presence or actions of individuals in achieving their desired outcomes (Emerson, Wachowics, & Chun, 2000; Latané, 1981; Reisman & Giennap, 2004). A useful example by Clark et al. (2004) is based on the Impact Value Chain (Figure 2): “by impact we mean the portion of the total outcome that happened as a result of the activity of an organization, above and beyond what would have happened anyway”.

“Inputs” refers to all the resources that needed to accomplish the alignment goal. Activities are the things that are done with inputs in order to achieve its mission. Outputs of a project are defined as the direct result of the activity that can be measure or assess directly. Outcomes are the wider benefits or changes for the intended beneficiaries. They tend to be less tangible and therefore less countable than outputs such as increasing employability and improving living wages. Impact refers to the long term change or difference that the activity can create, which can be measured to assess how much impact has occurred. Social value in this model

**FIGURE 2**  
**Impact Value Chain**



Note: Adapted from Clark et al. (2004).

refers to the value, financialised or not, attributed to that change to individuals, society, the economy and the environment, often relative to its cost. (Wood & Leighton, 2010). Hendricks, Plantz & Pritchard (2008), emphasizing the need to distinguish between measurement of the outcomes and its impact, highlights that simply aggregating data does not yield data on social impact. Conclusions regarding impact rely on assumptions, or theories of change and can be influenced by the perspective or position of the particular actor making the assessment. A recurrent debate about frameworks on evaluation and impact assessment is they reflect values and beliefs about what is 'good' or 'bad', 'success' or 'failure', therefore relying on interpretations, and lacking objectivity (Arvidson, 2008).

While Social Value has no single authoritative definition (Mulgan, 2010; Wood & Leighton, 2010), it has become a mainstream organizational issue with such key groups as the government, foundations, social sector organizations, impact-driven businesses and impact investors interested in its measurement (The Social Impact Investment Taskforce, 2012). The UK Cabinet Office (2012) describes it as the positive social, environmental and economic impact of an activity on stakeholders over and above what would have happened anyway, taking into account the negative impact of an activity. Enterprise UK define Social Value as 'the additional benefit to the community from a commissioning/ procurement process over and above the direct purchasing of goods, services and outcome' (Cook & Monk, 2012).

In the UK Public Services (Social Value) Act 2012, Social Value is not prescriptively defined but rather articulated in very general terms as the collective benefit to the community of the awarding of a public sector contract. Such benefits refer to the wider added value that may accrue to communities through the ways that services are procured and delivered. Emphasis on Social Value is purported to encourage public commissioners and service planners to consider the wider multiplier effects and benefits of service purchasing beyond the price value that accrue through the procurement process itself (Harlock, 2014). 'Social value' as a concept has additional implications beyond those of measuring the outcomes of a particular project or organization. In theory, it is an attempt to measure what is 'valued', and therefore, prioritized by different stakeholders. It also implies that an organization needs to look at the full extent of its social, environmental and economic impacts (intended and unintended, positive or negative).

### **Evaluation**

Broadly speaking, evaluations should offer a systematic assessment of the results of an intervention, based on a logical collection of data. The preference for evaluations is often based on a belief that they will provide objective evidence of what works. Arvidson and Kara's study on the evaluation of Social Value found that the choice of an evaluation framework is often based on pragmatic considerations such as cost, skills and the availability of data, masking the inherent value-bases of evaluations (Arvidson, Malin & Kara, 2013). Therefore the evaluation framework reflects 'a normative belief in the superiority of particular approaches to performance measurement and evaluation' and can be tailored to highlight different policy priorities (Hall, 2014). Arvidson and Kara's thesis is that the choice of an evaluation framework is a political one – reflecting a policy that prioritizes its own agenda. Evaluations can simultaneously assess achievements and promote both political and methodological values. An evaluation that is aimed at promoting equity in the distribution of health will have a different focus than one that prioritizes efficiency in service delivery. The language of evaluation reports can advance the interest of the tax-payer (value for money) or that of the underprivileged (social inclusion). This thesis may have particular value in examining the choice of the evaluation

frameworks utilized by the UK and Scottish government to assess their social value.

### **FRAMEWORKS TO MEASURE SOCIAL VALUE**

There are a large number of diverse standards and frameworks that have been developed to measure social value, mainly intended for third sector and social enterprises (Bull, Wilson & Baines, 2012). In 2014, LUMSA university developed a hierarchical cluster analysis which mapped 76 of the most commonly used tools to group them in macro-categories, to aid evaluation (Grieco at al., 2015). Metcalf for TSCR (2013) provides an overview of some guides that have sought to categorize impact measurement tools and assist in navigating the wide array of available options. This paper, while seeking to clarify this area, concentrates on a few of the main techniques that are being used in the area of social procurement.

#### **Economic or Financial Assessments**

Social Return on Investment [SROI] has been the most dominant of the measurement approaches across a number of countries, and has influenced the development of a number of other alternative methodologies (Tuan, 2008). A meta-analysis of social impact measurement methods utilized between 2002 and 2012, undertaken by Krlev, Munscher and Mulbert, (2013) found that SROI was one of the most widely utilized and discussed methods in the field. With its origins in the work of the Roberts Enterprise Development Fund in the United States and later popularized through the New Economics Foundation and SROI network in the UK, SROI developed from traditional cost-benefit analysis and social accounting. It applies accounting principles to a stakeholder- informed approach using financial proxies to determine a ratio value for the (financial) costs versus the (monetized social) value created by particular interventions (Luke, Barraket & Eversole, 2013).

Despite its popularity, in studies of the use of SROI, researchers have concluded that standardization of the application of financial proxies was needed for the tool to be useful (Arvidson, Battye & Salisbury, 2014). Other negatives are the complex administrative undertakings which carry considerable cost implications – both for investment in skills and training to employ the SROI methodology, as well as time and administration resources (Arvidson, Lyon, McKay &

Moro, 2013). More fundamentally, the biggest concerns were whether the nature of data and evidence utilized in SROI could be aggregated meaningfully to produce an accurate cost measure, and whether it is even possible to put an accurate monetarised value on all interventions and outcomes.

Disturbingly, it was found that the most underdeveloped aspect of the application of SROI was in the measurement of Social Value where the social is treated “...as a residual category that lacks definitional criteria...and is negatively affected by the urge of monetization” (Krlev, 2013). Despite these findings, the Scottish Government in 2010 developed its own framework to assess Social Return on Investment and in 2012 commissioned a report (Scottish Government, 2012) to examine the views of public sector commissioners and procurement professionals in Scotland about sustainable procurement, Social Value and the SROI approach. The findings show that of those that were familiar with the concept, the most commonly held view was that SROI was ‘fairly’ helpful (49% of respondents). Many also held a neutral view on the issue (38%), perhaps reflecting the lack of full knowledge of the framework.

### **Social Earnings Ratio (SER)**

As reported by the Centre for Citizenship, Enterprise and Governance 2014 report “Social Value in Birmingham”, SER is the fastest growing Social Value measurement metric currently being adopted in the field of Social Value measurement. Developed by the Centre for Citizenship, Enterprise and Governance (CEEG) and highlighted in Lord Young’s Social Value Act report in February 2015 as a quick, low cost, high volume way to assess social impact providing a single metric. The Social Earnings Ratio (S/E) is the corollary to the Price Earnings Ratio (P/E) used universally to measure financial value. The metric was commissioned in 2011 by senior UK government strategic advisors to develop a single number metric. In February 2013, it was used to evaluate the first contract regulated by the Social Value Act 2012. Despite the approval of the metric by the Cabinet Office, no outside studies have been done on the use of SER so it is difficult to analyze its usefulness and effectiveness.

### **Local Multiplier 3 (LM3)**

LM3 was created by the New Economic Forum in 2002 to make visible the link between social impact and economic benefits in the context of supply chains, by creating a metric called LM3, or the Local Multiplier 3. It maps an organization's source of income, how this is spent, and then respent within the local area. LM3 has been used to influence the public sector to consider the impact of its procurement decisions, and to highlight where an organization can improve its impact (Arvidson & Kara, 2013). Sack's (2002) *The Money Trail*, details the results of two pilot projects in North Norfolk District Council (NNDC) and Knowsley Metropolitan Borough Council (KMBC), to evaluate the impact of construction contracts on their respective local economies, evaluating local and nonlocal contracts.

### **Well-Being and Satisfaction Measures**

Well-being or satisfaction measures try to summaries social impact in terms of how happy or satisfied people feel. An increasing bank of financial proxies for wellbeing is developing. The Wellbeing Valuation assessment tool, was inspired by the work of Daniel Fujiwara at Slmetrica and developed by the Housing Associations Charitable Trust (HACT, 2015). This tool aims to address the challenges of placing a monetary value on non-market qualities such as 'confidence levels' and 'sense of belonging to the neighborhood' by using large data sets from national surveys. To do this, the results of large national surveys are analyzed to isolate the effect of a particular factor on a person's wellbeing.<sup>11</sup> Analysis of income data reveals the equivalent amount of money needed to increase someone's wellbeing by the same amount. HACT and Slmetrica have developed 53 outcomes based on the Wellbeing Valuation approach. The values were established with the housing sector in mind and focus on outcomes around employment, financial inclusion, environment, health, and young people. In terms of procurement activity, HACT states that this approach enables the comparison of the Social Value of contracts bid for and delivered by different organizations on equal terms. The Social ValueBank, created by HACT is, according to them, the largest bank of methodologically consistent and robust social values currently available. The values can provide a basic assessment of social impact, provide evidence of value for money, and compare the impact of different programmes.<sup>12</sup> The approach is recognized in the HM Treasury Green Book as a method for

establishing the Social Value of goods and services that are not traded in the market. Additionally, the recent Social Value Act Review references Wellbeing Valuation and HACT's associated tools as examples of approaches to generating financial proxies to measure wellbeing (HACT, 2015). Despite these nods of approval, no outside research report has been done on the tools usefulness and effectiveness and so it is difficult to assess this tool.

### **Natural or Sector- Specific Measures**

An opportunity exists for specific sectors to create a bespoke service to compare results for people who have been through an intervention, to results for a comparator cohort of people (Cabinet Office 2015). These might include, for example: jobs created or sustained for employment; educational attainment for education; or reduced crime, offending, or reoffending for criminal justice and rehabilitation. The UK Ministry of Justice has developed the Justice Data Lab pilot, which gives organizations working with offenders' access to central reoffending data to help organizations assess the impact of their work on reducing reoffending. It also helps develop a collaborative understanding of effective rehabilitation. <sup>13</sup>

## **REVIEW OF FINDINGS**

According to the Social Enterprise UK's (SEUK's) review of the UK's Public Services (Social Value) Act 2012, the uptake of social procurement in leading governments and firms is "encouraging" but there remains, nonetheless, a large number of organizations that have not yet adopted it (Social Enterprise UK, 2014). A review by Lord Young on the Act found that that despite its growing awareness amongst public bodies, the incorporation of Social Value in actual procurements is low due to such difficulties as how to define social value; how to apply Social Value within a legal framework and how to measure and quantify social outcomes (Cabinet Office, 2015). The report recommends improving understanding of how to define social value, how and when to include it during the procurement process and how to apply Social Value within a legal framework and procurement rules. The report further recommends measures to strengthen the framework for measuring and evaluating Social Value and developed a framework and principles for the current state of Social Value measurement.

The Cabinet Office is currently working with Inspiring Impact, a UK-wide collaborative programme with the voluntary sector on impact measurement, to see whether an agreed Social Value measurement framework can be established for England and Wales. This follows earlier social investment initiatives from HM Treasury, the DWP, the Ministry of Justice and the Cabinet Office itself (Tomlins, 2015).

The difficulties with the concept of Social Value were echoed in Temple and Wigglesworth's survey of 77 local authorities and 123 housing associations, which found that one-third of housing associations and local authorities do not yet consider Social Value in the services and products they procure and that 56 per cent of respondents reported a low impact on their procurement practices. The most common barrier to implementation was the measurement of social value (Temple & Wigglesworth, 2014).

These findings are repeated in Harlock's (2013) research with adult social care commissioners in six local authorities in England, with difficulties in defining and measuring Social Value reported by all the interviewees. There the key challenge was found to be the lack of a universally accepted definition of social value.

A 2015 report by the University of Glasgow for the Scottish Government to assess the usage of CBCs and the impact these have on employment and skills development illustrates further the difficulties faced in this field (Sutherland, McTier, Glass & McGregor, 2015). They found that a lack of monitoring data and data on the additionality and sustainability of CBC outcomes presented a significant constraint in assessing the impact of CBCs. The research findings strongly point towards the need for a more comprehensive evidence base to be developed around the longer-term impact of CBCs, necessitating a more systematic monitoring of CBCs and their impacts in future contracts. The report makes recommendations on how the monitoring and evaluation of CBCs in public sector procurement can be improved. Among their recommendations are that four different types of CBC activity indicators are collected for monitoring purposes and a select number of headline indicators are collected for information outcomes to demonstrate the use and impact of CBCs.

These recommendations are in line with those of Richard McFarlane, who is in favor of simplifying the task of evaluating and measuring the social value of CBC: by limiting the range of

social/community benefits sought by the purchaser; limiting the information that is required from contractors to assess outcomes; and obtaining other data on a one-off basis (Macfarlane, 2014). One implication of this limited but precise data gathering would be excluding the use of economic or financial assessments tools such as Social Return on Investment [SROI]. These necessitate elaborate data collection with multiple indicators and required outcomes. Rather than discarding them wholesale, the use of these tools may be useful on a strictly limited basis, for example to establish the case for including social/community benefits in procurement in a case study but not in the routine monitoring of contracts. An example of Richard Macfarlane's approach is that of Value Wales, which has developed a Community Benefits Tool – effectively a monitoring report – which has to be completed for contracts valued at or above £2 million. This collects output data for ten sustainable development measures from clients and contractors/suppliers, and uses a local multiplier to measure the impact on the economy of Wales (Welsh Government, 2016).

### CONCLUSION

This paper is an initial exploration of the articulation, measurement, evaluation of Social Value in social procurement and social clauses together with the forces that are driving the demand for this data. While much more work needs to be done, some emerging issues have been captured. It is clear that there is a need for greater clarity over vocabulary and concepts related to Social Value as well as further research that critically evaluates both the engagement in Social Value measurement together with a comprehensive assessment of the options available and the relative strengths and weaknesses of these options.

At the same time, it is obvious that there is a rapidly emerging marketplace of numerous Social Value measurement methods and tools available. It's important to recognize that the development of outcome measures for Social Value has largely been driven by the requirements of funders: governments, social investors and philanthropists, leading to important questions to be addressed about the implicit values underpinning the Social Value environment and the influences over Social Value measurement practices.

Moreover, the evidence base associated with social value and procurement consists mainly of case studies and grey literature produced by independent bodies, governments, and the community and voluntary sector, rather than peer-reviewed academic publications. In many instances the quality of these studies are weak, due to methodological challenges and biases, which limits its usefulness.

The recommendations by Liverpool University and Richard McFarlane to limited but precise data gathering are useful and would exclude the use of Economic or financial assessments tools such as Social Return on Investment [SROI]. In conclusion, fitting the outcomes of social procurement and social clauses into an economic type social value measurement tool may not ultimately be useful and acknowledging the dissonance between the economic and policy objectives is fundamental before the appropriate and workable mechanism to achieve those objectives can be established and developed.

Coming up with the perfect way to capture Social Value may be social procurement's Great White Whale. Social Value measurement and methodologies are redundant in the absence of clearly stated policy intentions and the prioritization of social clauses in procurement contracts. A methodology for measuring impact can be applied, but for it to be meaningful it is of utmost importance that it be used within the context of achieving the desired objective. This paper proposes that there is an overemphasis on economic goals and that focusing initially on creating good outputs will be critical to the development together with a strategic approach to social procurement, clear definitions of Social Value and transparent processes for assessing such value.

#### NOTES

1. The use of public procurement as a policy objective is a long-standing and much analyzed phenomenon, which covers a range of policy areas such as support for fair labor conditions, regional development and the provision of economic opportunities for disadvantaged groups. Such objectives have been referred to as "secondary" objectives, in contrast with procurement's so-called "primary" objective of obtaining goods, works or services on the best terms. This paper uses the term horizontal objectives as

advocated by Arrowsmith to highlight that these policies should in fact be considered equal

2. EU Public Procurement Directive 2014/24/EU on Public Procurement, Repeals Directive 2004/18/EC; Utilities Directive 2014/25/EU on Procurement by Entities Operating in The Water, Energy, Transport and Postal Services Sectors, Repeals Directive 2004/17/EC and the Concessions Directive 2014/23/EU on the Award of Concession Contracts, Which Does Not Directly Replace any Previous Directive. Paris, France: RU.
3. Community benefit clauses are the same as social clauses.
4. A report credits the authors with triggering the “recent wave of interest in the potential to deliver wider social benefits through procurement.” (Haringey SME Procurement Pilot, 2005, 4).
5. This is the term used by the Northern Ireland Assembly defined as: “requirements within contracts or the procurement process which allow the contract to provide added Social Value through fulfilling a particular social aim. For example, a social clause in a public contract could prioritize the need to train or give jobs to the long term unemployed in the community as part of the contracting workforce’. This definition is from [www.cabinetoffice.gov.uk/third\\_sector/public\\_services/social\\_clauses.aspx](http://www.cabinetoffice.gov.uk/third_sector/public_services/social_clauses.aspx) and as set out in the Northern Ireland Assembly (2009).
6. The Irish Department of Public Expenditure and Reform (2014) Minister for Public Expenditure and Reform, Mr. Brendan Howlin, TD, announces establishment of Social Clauses Project Group Available at <http://www.per.gov.ie/minister-for-public-expenditure-and-reform-mr-brendan-howlin-td-announces-establishment-of-social-clauses-project-group/>. [Retrieved January 10, 2016].
7. Neoliberalism represents a set of ideas that caught on from the mid to late 1970s, and are famously associated with the economic policies introduced by Margaret Thatcher in the United Kingdom and Ronald Reagan in the United States following their elections in 1979 and 1981. The 'neo' part of neoliberalism indicates that there is something new about it, suggesting that it is an updated version of older ideas about 'liberal economics' which has long argued that markets should be free from intervention by the state

8. For extended discussion and further references to this academic debate, see Sanchez-Graells, A. (2015). *Public Procurement and the EU Competition Rules*. Oxford, UK: Hart (2nd ed., p. 101-04)
9. An exception to this is Erridge's paper on the concept of 'public value' as a guide to public preferences in relation to services and projects delivered by public procurement, and an analytical framework has been proposed for development and testing as a means of assessing procurement initiatives against a framework of public procurement values. This was used to analyze the Unemployment Pilot Project in Northern Ireland (Erridge, A. 2007); *Public procurement, public value and the Northern Ireland unemployment pilot project*. *Public Administration* 85(4), p.1023-p.1043.
10. Interestingly, countries where NPM has penetrated furthest i.e. the USA, UK, Canada, Australia and New Zealand, are countries where the influence of neo-liberalism has been particularly significant (Belfiore, 2004).
11. NEF (2002). *The Money Trail*. [On-line]. Available at: <http://www.neweconomics.org/publications/entry/the-money-trail>. Accessed February 3, 2015.
12. The values are calculated through statistical analysis of four large national datasets that contain data on wellbeing and life circumstances: British Household Panel Survey (BHPS), Understanding Society, The Crime Survey for England and Wales, and The Taking Part Survey
13. Ministry of Justice (2014). *Accessing the Justice Data Lab Service*. [On-line]. Available at <https://www.gov.uk/government/publications/justice-data-lab>. Accessed December 2, 2015.

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