

Social Value – One Year On

Implementing the Social Value Act in Public Sector Procurement

Report of a Roundtable Event

15th January 2014

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EXECUTIVE SUMMARY

Birmingham & Solihull Social Economy Consortium (BSSEC) is working with Birmingham City Council to support and embed practical approaches to implementation of the Public Services (Social Value) Act 2012. This project is funded by the Barrow Cadbury Trust.

On the 15th January 2014 we organised a roundtable event for local authorities in the West Midlands and beyond to share progress, ideas and best practice. Three local authorities gave presentations explaining their approaches to implementing the new legislation:

- Liverpool City Council: Adam Jacobs Head of Procurement.
- Oldham Council: Karen Lowes Head of Strategic Sourcing, Commercial Services.
- Birmingham City Council – Birmingham Charter for Business Social Responsibility.

The presentations revealed that:

1. Not all authorities have necessarily seen adoption of a Social Value Policy as the main starting point. Birmingham City Council has but Oldham Council and Liverpool City Council are in the process of developing Social Value Charters which will effectively achieve the same ends. Nonetheless, strong commonalities are already emerging in the approaches local authorities are taking to implement the legislation:
 - (a) Existing corporate priorities are being used to set a framework and context for social value, and in some cases existing policies too (such as Birmingham City Council's 'Birmingham Charter for Business Social Responsibility') are being utilised as tools to help deliver social value. The following corporate priorities are prominent in the social value frameworks of all three of the councils that gave presentations:
 - Creating jobs.
 - Strengthening the local economy.
 - Increasing the representation of SMEs (including social enterprises and third sector providers) in the supply chain
 - Targetted creation of apprenticeship and training opportunities.
 - (b) Social value is not being addressed in isolation but is being implemented as part of a much bigger savings and service transformation agenda intended to respond to public spending cuts,

making “the local pound work harder”, securing efficiency savings, managing and reducing demand for statutory services, and maximising impact and service availability by working with others to achieve shared outcomes.

- (c) All three councils here have chosen to go beyond the minimum requirements of the Act and are applying the legislation to contracts for goods as well as services, and to all contract values (not just those above the OJEU threshold of £173,934).
2. The legislation is already being implemented successfully. Two very different examples illustrate this. At the high-value end of the spectrum, the £188m four-year contract for the building of the new Library of Birmingham, delivered by Carillion, included 250 new jobs and 25 new apprenticeships as additional social value outcomes and also required the contractor to partner with a homelessness charity to ensure that these opportunities also reached those most excluded from the labour market. At the lower-value end of the spectrum, Oldham Council has found success in even the least favourable looking circumstances. A recent small contract with a recruitment agency for £20,000-worth of executive recruitment support saw the contractor agreeing to deliver “30 hours of direct student mentoring and support to help prepare young for the employment market”.

Key challenges

3. The evidencing and measuring of social value remains the least developed part of the process, although not all participants see this presenting especial difficulties. Some suggested that as long as the social value outcomes included in contract specifications are measurable and verifiable (as the Act requires) then it will be possible to devise appropriate KPIs and monitor against these.
4. What does present a real challenge, however, is developing systems for comparing the ‘worth’ of different kinds of social value. This is especially relevant at the Tender assessment stage. For example, tenders which include similar social value outcomes – economic or employment outcomes, say – will be relatively easy to compare. But comparing tenders that include social value propositions of significantly different types will be much harder. Some feel this problem will be reduced by ensuring that contract specifications and/or Invitations to Tender prescribe the type and nature of the additional social value sought quite narrowly – thus ensuring greater relevance and comparability – but there is a danger that this may stifle innovation.

6. Many commissioners still want to see specific examples of social value outcomes that can legitimately be included in contracts. While it is difficult to formulate specific examples for all types of spend and for all contract values, Oldham Council's Social Value procurement framework (June 2013) illustrates that it is possible to include a broad range of examples across most spend categories.¹

¹ <http://bssec.org.uk/wp-content/uploads/2014/01/Social-Value-Procurement-Framework-final-version-June-20134.pdf>

FULL REPORT

1.0 INTRODUCTION

1.1 Background

Birmingham & Solihull Social Economy Consortium's (BSSEC) work with Birmingham City Council to support and embed practical approaches to implementation of the Public Services (Social Value) Act 2012 is part of a project funded by the Barrow Cadbury Trust. The project began in late-2012 and concludes in August 2015.

The primary aims of this project are to:

- Help our local authority partner and social enterprises and third sector organisations rise to the challenge of social value, in particular in its implications for how social value is specified and described, and the kind of evidence that might be required in order to demonstrate its achievement; and
- Support implementation of the Act that is 'do-able', meaningful and achievable for all concerned – with real potential for delivering additional social value for Birmingham and its citizens.

1.2 The Roundtable Event

On the 15th January 2014 BSSEC organised a roundtable event for officers from local authorities in the West Midlands and beyond that are involved in designing, developing and implementing approaches to social value in public sector procurement. This follows the passage into law of the Public Services (Social Value) Act 2012,² which came fully into force in January 2013 and therefore now offers a year's practice to reflect on. The event was intended to offer an opportunity for those involved in social value work to share progress, ideas and best practice.

As the audience for social value is much wider than procurement and commissioning specialists, this is not a technical or legal examination of social value commissioning. Rather, the report looks at:

- Common approaches to social value.
- The policy drivers and/or corporate priorities councils are using to inform social value.
- Particular emphases and/or processes.
- Key social value messages.

BSSEC would like to thank everyone who attended the event – see Appendix for a full list of attendees. In particular we thank the three local authorities that kindly agreed to

² The Public Services (Social Value) Act 2012: <http://www.legislation.gov.uk/ukpga/2012/3/enacted>

give detailed presentations about their approach to implementing the social value legislation. These were:

Adam Jacobs Head of Procurement, Liverpool City Council:

Presentation: http://bssec.org.uk/wp-content/uploads/2014/02/140115_LCC_Social-Value-and-Procurement-PUBLIC.pdf

Karen Lowes Head of Strategic Sourcing, Commercial Services, Oldham Council:

Presentation: <http://bssec.org.uk/wp-content/uploads/2014/01/Making-Social-Value-Matter-in-Oldham.ppt.pdf>

Social Value Procurement Framework: <http://bssec.org.uk/wp-content/uploads/2014/01/Social-Value-Procurement-Framework-final-version-June-20134.pdf>

Rokneddin Shariat Birmingham City Council – Birmingham Charter for Business Social Responsibility:

Presentation: <http://bssec.org.uk/wp-content/uploads/2014/01/BCC-presentation.ppt.pdf>

Birmingham City Council: Leader's Policy Statement 2013:
<http://www.birmingham.gov.uk/lps>

Birmingham City Council, Social Value Policy (April 2013):
<http://bssec.org.uk/wp-content/uploads/2013/04/Social-Value-policy-Appendix-1-1.pdf>

Birmingham Business Charter for Social Responsibility:
<http://bit.ly/1jV6lsf>

2.0 SOCIAL VALUE – OVERVIEW OF APPROACHES

2.1 Commonalities

As we identified in the very early stages of this work, local authorities are not approaching social value as a 'blank slate'. They are not seeking new or untried forms of social value that suppliers will find hard to recognise or understand. Rather, existing corporate priorities are being used to set a framework and context for social value, and in some cases existing policies too are being utilised as tools to help deliver social value. This reinforces a key message that we found emerging very strongly in Birmingham and elsewhere: that social value is not new and untested, it is 'core business' – it's what local authorities do.

The following corporate priorities are prominent in the social value frameworks of all three of the councils presenting here today:

- Creating jobs.
- Strengthening the local economy.
- Increasing the representation of SMEs (including social enterprises and third sector providers) in the supply chain
- Targetted creation of apprenticeship and training opportunities.

All three councils are implementing social value as part of a much bigger savings and service transformation agenda:

- Responding to the deepest public spending cuts in a generation by seeking to derive the greatest value possible out of every pound they spend. All three councils are seeking to use their spend as a driver for local economic prosperity and job creation – they are trying to make "the local pound work harder".
- Seeking service transformation as a means of raising standards, defending services, securing efficiency savings, and as part of widespread restructuring.
- Trying to manage and reduce demand for statutory services.
- Maximising impact and service availability by working with others to achieve shared outcomes.

All three councils have chosen to apply the legislation *beyond* the minimum requirements of the Act. The Act stipulates that the legislation applies only to contracts for *services* (rather than goods) at values above the OJEU threshold of £173,934. This does not prevent local authorities from applying the legislation more widely if they choose – to services *and* goods, and to contracts below the OJEU

threshold. It is significant that these three authorities have all chosen to implement the new legislation as widely rather than as narrowly as possible.

2.2 Case studies: Liverpool, Oldham & Birmingham

(a) Liverpool City Council

Presentation: http://bssec.org.uk/wp-content/uploads/2014/02/140115_LCC_Social-Value-and-Procurement-PUBLIC.pdf

Liverpool, which has a directly elected Mayor, is using existing Mayoral priorities to shape its social value framework. These include:

- Build 12 new schools.
- Make Liverpool business & enterprise friendly.
- Create 20,000 jobs.
- Make the City greener, cleaner and healthier.
- Build 5,000 new homes.

A supplier engagement programme (SEP) is seen as central in that this enables new social value solutions to be developed as part of a structured supplier relationship. Liverpool describes its SEP as a six-stage process:

- Identifying potential suppliers.
- Conducting contract and supplier analysis.
- Developing individual supplier negotiations.
- Preparing detailed specifications.
- Negotiate meetings with suppliers.
- Agree efficiency solution and progress to contracting.

While all of the authorities see an emphasis on local economic growth and job creation as central to social value, Liverpool seems to have gone furthest in this direction in that it has carried out a detailed mapping of its supplier-spend by value, supplier location, and Ward, enabling a very detailed analysis of where the council's money goes and the extent to which it supports the Liverpool economy, specific priority Wards, or the economy beyond the Liverpool city-region. Ultimately, this is about restructuring and rebalancing its supply chain and can be seen as a much broader market and supplier development process.

Liverpool City Council is in the process of:

- Agreeing a Social Value Charter.

- Establishing a “social value baseline” and defining social value for Liverpool.
- Agreeing a city-wide approach and programme for embedding social value, including the identification of at least five procurement opportunities for testing and embedding the social value approach.

Liverpool also has ambitious plans for growing and strengthening social enterprise and third sector organisations as part of the supply-base that can help deliver social value and has just announced that it is developing:

- A £2m Local Investment Fund combining European Structural Funds and private investment from the Social Investment Business – this will offer unsecured loans of up to £250k to third sector borrowers over the next five years as part of a strategy for growth.³
- A business case to establish a third sector development ‘hub’ along the lines of the well-tested CAN Mezzanine centres.

(b) Oldham Council⁴

Presentation: <http://bssec.org.uk/wp-content/uploads/2014/01/Making-Social-Value-Matter-in-Oldham.ppt.pdf>

Oldham Council is being guided by its over-arching ‘co-operative council’ objectives, which include:

- A productive place to invest where business and enterprise thrive.
- Confident communities where everyone does their bit.
- Co-operative Council creating responsive and high quality services.

It has adopted a Social Value Framework, modelled around four key principles:

- Jobs, growth & productivity.
- Resilient communities & a strong voluntary sector.
- Prevention & demand management.
- A clean & protected physical environment.

³ See Third Sector Online: http://www.thirdsector.co.uk/bulletin/third_sector_daily_bulletin/article/1228395/social-enterprise-partnership-pilot-launched-liverpool/?DCMP=EMC-CONThirdSectorDaily

⁴ See Oldham Council presentation: <http://bssec.org.uk/wp-content/uploads/2014/01/Making-Social-Value-Matter-in-Oldham.ppt.pdf>

In April 2014 Oldham Council plans to implement a Social Value Charter. It also plans to develop a Social Value monitoring tool to enable progress against its Social Value Charter to be measured.

While Oldham Council has not adopted a social value policy as such, much the same intention is achieved through its adoption of a *Social Value procurement framework*, finalised in June 2013.⁵

This sets out Oldham's main priorities for social value,⁶ but arguably goes a step further by also including specific examples of social value outcomes against each of these priorities (p.4) and stating that every tendering exercise must include at least one of these outcomes.

For example, to take just the 'Resilient communities & a strong voluntary sector' priority, Oldham's social value procurement framework sets out specific examples of social value outcomes that commissioners should regard as contributing towards this priority – see Table over-page, extracted from Oldham Council: Social value procurement framework:⁷

⁵ See Oldham Council, Social Value procurement framework (June 2013): <http://bssec.org.uk/wp-content/uploads/2014/01/Social-Value-Procurement-Framework-final-version-June-20134.pdf>

⁶ As noted earlier: (i) Jobs, growth & productivity; (ii) Resilient communities & a strong voluntary sector; (iii) Prevention & demand management; (iv) A clean & protected physical environment.

⁷ See Oldham Council, Social Value procurement framework (June 2013): <http://bssec.org.uk/wp-content/uploads/2014/01/Social-Value-Procurement-Framework-final-version-June-20134.pdf>

Theme	Outcomes: What are we trying to achieve?	What could this mean in practice for suppliers? What could they deliver? (NB. These are examples only – not an exhaustive list)
b) Resilient communities and a strong voluntary sector	Outcome 5: An effective and resilient third sector	Contribute x number of hours of business planning support / financial advice / legal advice / HR advice to community and voluntary organisations through an Employer-Supported Volunteering scheme
		Provide facilities for use by community and voluntary organisations for x number of hours per year
		Work with community and voluntary organisations to create x number of new volunteering opportunities in the borough
		Support local third sector organisations through the supply chain by spending x% of total expenditure with community and voluntary sector providers based in the Oldham borough
	Outcome 6: Individuals and communities enabled and supported to help themselves and each other	x% of service users supported to self-help
		Coordinate and run a befriending scheme to reduce social isolation (and thus prevent the consequences of social isolation) for x number of older people
		x% of customers directed towards lower-cost forms of contact (e.g. phone or web rather than face-to-face), including training service users to use IT as necessary
		Support x number of service users to engage in volunteering
		Support x number of service users into work experience / paid work / training
		Work with x number of service users to design / deliver the service
		Deliver the service on a localised basis so that the average distance to travel to access the service is reduced by x miles
		x% of residential social care users supported to live independently

(c) **Birmingham City Council**

Presentation: <http://bssec.org.uk/wp-content/uploads/2014/01/BCC-presentation.ppt.pdf>

Birmingham City Council's overall framework for social value has been informed by the Leader's Annual Policy Statement, the most recent being that of 2013.⁸

In turn, these corporate priorities have become central to the council's recently launched Birmingham Charter for Business Social Responsibility,⁹ the core principles of which are:

- Local Employment (including targeted jobs, skills and training).
- Buy Birmingham First (supporting economic growth and Birmingham suppliers).
- Partners in Communities (including supporting social inclusion and social cohesion, supporting local people and local communities through volunteering and other means).
- Good Employer (central to this is paying the Living Wage and actions to reduce inequality and deprivation).
- Green & sustainable (e.g. reducing carbon emissions and environmental pollution).
- Ethical procurement (throughout a business's own purchasing and supply-chain).

The Birmingham Charter for Business Social Responsibility has become a key tool for securing social value and is explained in more detail later in this case study.

Birmingham City Council very early on worked with BSSEC to develop a Social Value Policy¹⁰ and Cabinet adopted this in April 2013.

As well as establishing the extent to which the authority will apply social value (i.e. to all contracts, for goods and services, and to all contract values), the Social Value Policy

⁸ Birmingham City Council: Leader's Policy Statement 2013: <http://www.birmingham.gov.uk/lps>

⁹ Birmingham Business Charter for Social Responsibility: <http://bit.ly/1jV6lsf>

¹⁰ See Birmingham City Council, Social Value Policy (April 2013): <http://bssec.org.uk/wp-content/uploads/2013/04/Social-Value-policy-Appendix-1-1.pdf>

also includes the main steps commissioners must take as part of a social value-based procurement process:

- 4.2 On commencement of each and every commissioning exercise service specifications and/or existing service designs will be interrogated to examine:
- (a) Why the service is being commissioned is it still relevant and what are we trying to achieve? (**Baseline service outcomes.**)
 - (b) Undertake service-user, community or marketplace consultation or research to redefine or confirm needs and create opportunities for co-design / co- production? (**The case for service redesign or other delivery options.**)
 - (c) The additional social value outcomes we should be seeking to derive from the commissioning. (**The social value contribution the commissioning can make to the make to the Council's strategic priorities.**)

The Birmingham Charter for Business Social Responsibility

The Birmingham Charter for Business Social Responsibility aims to embed social responsibility throughout Birmingham City Council's supply-chain and beyond. As many Birmingham-based businesses (including social enterprises and third sector organisations) as possible are being asked to sign-up. While the Charter is a voluntary agreement and can be adopted by any business meeting its criteria, it is mandatory for those wishing to do business with the council – compliance with the Charter is a precondition of eligibility.

Those signing up to the Charter are required to develop an annual Action Plan setting out how they will progress towards achieving its aims. It is intended that signatories will be monitored annually on their progress towards full compliance with the Charter and the outcomes they have detailed as part of their social responsibility Action Plans.

The Charter illustrates perfectly the way in which local authorities are using existing policy drivers to furnish the tools which will help them to realise social value.

3.0 SUCCESSES OF THE SOCIAL VALUE APPROACH

It is still relatively early days in the implementation of this legislation, but the evidence suggests that councils are chalking up early successes in securing social value – and not just in large-scale contracts such as construction, where councils have always looked for additional economic and social outcomes in the form of targeted

employment and training opportunities, but also in smaller, low-value contracts where the prospects for social value might have been thought to be limited.

For example, at the mega-contract end of the spectrum, the £188m four-year contract for the building of the new Library of Birmingham, delivered by Carillion, is considered by many as offering a blueprint for integrating social benefits into ambitious new-build projects. The contractor was required to work with the council's Employment Action Team to deliver 250 new jobs (including partnering with a homelessness charity) and create 25 new apprenticeships.¹¹ While this example predates the social value legislation, it helps illustrate that while the language of 'social value' might be new, its practice isn't. Indeed, as one Birmingham City Council officer said, "Social value is what local authorities do – its core business."

At the lower-value end of the spectrum, Oldham Council has found success in even the least favourable looking circumstances. A recent small contract with a recruitment agency for £20,000-worth of executive recruitment support saw the contractor agreeing to deliver "30 hours of direct student mentoring and support to help prepare young for the employment market". This illustrates that contracts don't have to be huge or complex in order to incorporate additional social value outcomes and that with a little imagination the Act's requirements for **relevant**, **measurable** and **verifiable** social value outcomes can be readily met. In under twenty words, the excellent Oldham example ticks all those boxes.

4.0 THE CHALLENGES

Evidence and measuring

The evidencing and measuring of social value still seems to be the least developed part of the process, although not everyone necessarily felt this presented especial difficulties. Some seemed to feel that because social value outcomes included in contract specifications must be *measurable* and *verifiable*, it will be possible to devise appropriate KPIs and monitor against these. This is especially the case with economic and employment-related outcomes – such as apprenticeships created or local people employed – which local authorities are already well-practiced in measuring.

In theory, as long as the social value outcomes included in a contract are specific, measurable and verifiable, then monitoring their delivery using fairly straightforward

¹¹ See *Carillion: building Birmingham's flagship library*, Jack Wills, Guardian professional network: <http://www.guardian.co.uk/sustainable-business/best-practice-exchange/carillion-building-birmingham-flagship-library>

KPIs should be possible. This was very much the view of a good proportion of the commissioners at this event.

What presents a greater challenge, however – and this was touched on several times throughout the afternoon – is *comparing* the ‘worth’ of different kinds of social value. This is especially relevant at the Tender assessment stage. For example, tenders which include the creation of apprenticeships for young people as a specific social value outcome will be relatively easy to compare – simply by referring to the duration, number and proposed outcomes of the apprenticeships included. But what happens when competing tenders include social value propositions that differ not just in number or volume, but are of a significantly different *type*?

The breakout groups discussed this issue and concluded that the problem could be significantly reduced by ensuring that contract specifications and/or Invitations to Tender include *clear guidance* on the *type* and *nature* of the additional social value sought – i.e. the better and more narrowly social value is *defined* in the contract specification, the more relevant and comparable suppliers’ social value propositions are likely to be. Several participants noted, however, that being over-prescriptive about the social value sought may stifle innovation.

One area that was discussed only briefly is the role that wider public consultation should play in identifying the kind of additional social value outcomes that local communities want to see. The Act requires public authorities to *consider* whether such consultation is necessary (it doesn’t mandate them to undertake consultation in all instances) and one speaker noted that more attention should be paid to this aspect of the legislation – “social value should be about what public spending achieves for our citizens, not for local authorities themselves”.

Specific social value examples

Our experience suggests that many commissioners still want to see specific examples of social value outcomes that can legitimately be included in contracts. It is difficult to formulate specific examples for all types of spend and for all contract values (proportionality is a key aspect of the legislation) but not impossible, as Oldham Council’s Social Value procurement framework (June 2013) illustrates.¹²

¹² <http://bssec.org.uk/wp-content/uploads/2014/01/Social-Value-Procurement-Framework-final-version-June-20134.pdf>

5.0 NEXT STEPS

This event revealed a real appetite amongst those working on social value for networking and peer review opportunities and we would like to do what we can to contribute to this.

We will continue to archive and showcase social value materials on the pages of our website dedicated to the subject:

<http://bssec.org.uk/policy-issues/public-services-and-social-value/>

If you would like to add materials to this, publicise what you are doing or have case study documents circulated to those who attended the event, please send them to Alun Severn at alun@bssec.org.uk.

We may also arrange a follow-up event in the summer of 2014 to exchange information, review progress and promote good practice. We'll circulate information about this in due course.

We will also explore the possibility with Birmingham City Council of developing a checklist of social value examples that could work in a wide variety of spend contexts and will happily share these with colleagues.

Until then, our thanks to everyone who made the 15th January 2014 event such a success and our continuing gratitude to the Barrow Cadbury Trust for funding this project.

BSSEC February 2014
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OTHER SOURCES OF INFORMATION ON SOCIAL VALUE

An archive of social value materials, including briefings, a literature review and other documents produced as part of this work is available on the BSSEC website:

<http://bssec.org.uk/policy-issues/public-services-and-social-value/>

For wider reading see our Literature Guide:

<http://bssec.org.uk/wp-content/uploads/2012/11/Literature-Review-ESV-1.4.pdf>

The Public Services (Social Value) Act 2012:

<http://www.legislation.gov.uk/ukpga/2012/3/enacted>

Procurement Policy Note: The Public Services (Social Value) Act 2012 – advice for commissioners and procurers: Information Note 10/12 (Cabinet Office, 20th Dec 2012):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/79273/Public_Services_Social_Value_Act_2012_PPN.pdf

The Public Services (Social Value) Act 2012: A Brief Guide (Social Enterprise UK, Feb 2012):

http://www.socialenterprise.org.uk/uploads/files/2012/03/public_services_act_2012_a_brief_guide_web_version_final.pdf

The Social Value Guide: Implementing the Public Services (Social Value) Act (Social Enterprise UK, Dec 2012):

http://www.socialenterprise.org.uk/uploads/files/2012/12/social_value_guide.pdf

The Public Services (Social Value) Act 2012: One Year On (Cabinet Office, Jan 2014):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275719/Public_Services_Social_Value_Act_-_One_Year_On.pdf

Birmingham and the West Midlands feature prominently in the above report as examples of good practice and innovative approaches to achieve social value. The report confirms that the government's approach will continue to be one of light-touch guidance, with commissioners continuing to have considerable flexibility and 'freedom from the centre' in how they approach social value. It also acknowledges that progress has not been uniform, however, and suggests that there will in the coming year be more support for public authorities that are struggling to implement the legislation.

Social Value and Public Procurement: A Legal Guide (Anthony Collins Solicitors, Jan 2014):

<http://www.anthonycollins.com/sites/default/files/Social%20Value%20and%20Public%20Procurement%20-%20a%20Legal%20Guide%20-%20January%202014.pdf>

APPENDIX

Attendees

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