3SC - POSITION PAPER

THE CRISIS IN PUBLIC SECTOR CONTRACTING

AND HOW TO CURE IT:
A WALES PERSPECTIVE

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3SC is a social enterprise. Formed in 2009, our vision is of the third sector (voluntary, community groups, charities and social enterprises) delivering an ever-increasing share of public services and a greater amount of social impact by forming third sector partnerships to win and deliver public sector contracts. That is a grand statement, and one that could all too easily be dismissed as just another piece of spin. There are thousands of "social enterprises", all struggling for attention, all trying to do the same general things – improve lives for those who most need it – and all competing for resources, especially from the public purse. Our vision is based on the conviction that the priorities and needs of people using public services in our communities, especially those who are hardest-to-reach, are best met by experienced, local, passionate and mission-driven organisations who can deliver effective social outcomes.

1.1 FOREWORD

What makes 3SC distinct is that we exist to unite both smaller and larger social enterprises, but particularly smaller, so that they can punch above their weight when it comes to bidding for public sector contracts.

Public procurement faces significant challenges. The demise of Carillion highlighted the problems of always procuring big. That is not to say that Carillion and other major outsourcers do not deliver wonderful projects, high quality services and value for money. However, the fixation with the same procurement outcome is what is at fault. Variety and diversity will, in our view, deliver more in terms of innovation, service excellence and better outcomes.

There is a growing momentum for change – one size does not fit all. The people who procure public services need to recognise that contract awards do not have to rest on price and scale alone. Indeed, the best results and outcomes are rarely linked to size. We are not arguing that procurement should focus only on smaller organisations and the third sector. We have an extremely successful contract working with Interserve delivering rehabilitation services through the third sector, and there are plenty of other examples of the different sectors working together in a positive, joined-up and powerful way.

What we are pushing for is more sensitivity in how services are procured and, within that, an explicit commitment for third sector and smaller organisations to secure a reasonable share of the public procurement pie.

This paper aims to identify the issues facing social enterprises in Wales. We have set out in the following pages some thoughts on how we can start to tackle the challenges we face today in Wales and develop some recommendations to improve social outcomes and impact. We cannot rectify problems, of reoffending, housing, disability, employment, and so on, by squabbling or trying to score politically-motivated points. Nor are the problems – long gestated and deep-seated – going to be solved by quick and easy fixes. They need cooperation, patience, clear thinking, as well as money; but money that is spent not just with an eye to getting the cheapest solution, but the best solution. In other words, Partnerships with Purpose – something which 3SC is dedicated to creating for the common good.

John Swinney - *Chair 3SC*

BACKGROUND

2.1 THE CONTEXT

In November 2017, Ministers for the UK Government in Wales launched an "Industrial Strategy set to get Wales' economy firing on all cylinders", with the Secretary of State for Wales announcing that

"The Industrial Strategy sets out a compelling vision for the future of the UK economy and a new approach to preparing for the opportunities and challenges of the coming decades."

Quite remarkably this document did not include any reference to the role that social enterprises have in building that strong and prosperous economy. Considering the legislative and political support for social enterprises in Wales, this omission signalled a lost opportunity to deliver an alternative model to the failures of the existing private sector/public sector approach.

The foundations had been laid for a strong social enterprise sector within Wales however the lack of a coherent, joined up social enterprise strategy, spanning Westminster and the Welsh Assembly, has meant that opportunities were not realised.

The Well-Being of Future Generations Act[1] requires public bodies to look beyond short-term decisions based purely on finance, and instead consider the impact of commissioning on community cohesion, resilience and equality. Building on this, the 2015 Procurement Policy Statement for Wales[2] states that public bodies must always look at the long-term impact of procurement decisions and 'identify areas of expenditure that can be reserved for suppliers with a social ethos e.g. Co-operatives and Mutuals at first tender' (page 4). Welsh public sector bodies are also required to appoint a community benefits champion (ibid).

Additionally, the Social Services and Well-Being (Wales) Act 2014 requires local authorities to promote social enterprise and co-operatives. Whilst the social enterprise sector is growing in Wales, the sector remains small and unfulfilled in reaching its full potential.

This is despite the substantial legislative support. A recent joint report from the Bevan Foundation and the Wales Co-Operative Centre (April 2018) shows that social enterprise employment in Wales made up 3% of all employment compared to 5.6% across the UK and 6.5% across the EU.

The growth of the sector shows a real community interest in social enterprises. However, the barriers that these social enterprises face are most acute in the engagement with the private and public sector.

2.2 WORKING WITH THE PRIVATE SECTOR

The difficulties facing social enterprises in competing for large public contracts is, in some ways, shared by the Welsh private sector. Micro-businesses form by far the largest section of the Welsh business sector, that is businesses employing under ten people (95% of all enterprises[3]). CBI Wales state that they total around 107,000 firms in Wales averaging 19 employees in South East Wales and 6 employees in North Wales[4]. However, in 2015, only 3,640 businesses in Wales were employing more than fifty people (3% of the CBI total figure), and 1,595 employing 250 or more people (1.5% of the CBI figure). Therefore, the scope for social enterprise to work with big business is limited.

However, there remains a number of substantial projects in Wales, requiring PFI. There are 23 current PFI projects in Wales with a capital value of £701 million that are sponsored by the Welsh Government, and 5 projects sponsored by UK Government departments, this is less than elsewhere in the UK[5].

The relationship between the Private Finance Initiative (PFI) and public sector contracts has been well documented. The recognition that PFI required reforming, if it was to continue to be used as a mechanism for funding public sector contracts, is evidence of this.

Clearly, public sector contracts need funding, particularly where they are linked to infrastructure projects as well as services. However, we would suggest that there should also always be a focus on the social value that the contract can provide to the users and local community.

Undoubtedly, the situation is more serious in England due to the geographic and industrial nature of many of the regions, but the absence of large-scale outsourcing of public sector contracts, to private sector companies in Wales should mean more opportunities for social enterprises. However, this has not been the case: the consequence of keeping the private sector out of managing public sector contracts has been to keep the public sector in. The lack of diversity in delivery and with it innovation, is the outcome. We believe that a more strategic approach to procurement is needed. One that allows social enterprises to deliver the 'best' of the private sector – diversity and cost efficiency - and the 'best' of the public sector – strong community and social ethos. The presence of an internal monopoly in many Local Authorities is just as restrictive of innovation and diversity as if the service was being provided by a big private sector outsourcer.

We would argue that monopoly is an inhibitor of world class procurement. It does not matter whether that monopoly is in private or public hands, competition, innovation, community focus and diversity are all better served by solutions that encourage difference and real expertise, but they can only be delivered if the current procurement regime is revised to create a more flexible framework within which organisations of all sizes can operate.

2.3 WORKING WITH THE PUBLIC SECTOR

The Social Business Wales/Wales Co-operative Centre report 'Mapping the social business sector in Wales[6] (2017) surveyed 810 Welsh social businesses of which 65% described themselves as social enterprises[7]. The report states that there are 1696 organisations in the social business sector in Wales and estimates they contribute £2.37b to the Welsh economy supporting 40,800 jobs and between 48,000-58,000 volunteers (it is important to note that the survey included 8 registered social landlords).

Nevertheless, 23% of them employ no staff; and a further 51% employ fewer than ten people. Nearly three-quarters had a turnover of under £250,000 and a quarter had a turnover of under £25,000.

In the Social Business Wales/Wales Co-operative Centre 2017 report on Social Business in Wales, 40% of those surveyed received grants from the public sector (down from 49% in 2014) and 24% said that the public sector provided their primary trade (down from 28% in 2014). So, the trend would seem to be for less social enterprise work to be supported by the public sector in Wales (although it is clearly still an important factor), despite the policy focus on developing and including social enterprises in public services.

At a time when public sector funding is under increasing pressure and customer satisfaction with many of our public services is at an all-time low, the time is right for the public sector to review their involvement with the social enterprise sector. 'Mapping the social business sector in Wales' highlighted the extent of the problem - 63% of the social enterprises surveyed only worked in one local authority. We would suggest that local authorities in Wales have a real opportunity to ensure that there is an increase in the number of local authorities benefiting from the expertise and understanding which social enterprises can provide them with.

However, local authorities aren't the only problem. The Westminster Government are also responsible for the outsourcing of many public sector contracts to the private sector. The Financial and Professional Services publication which has a strong focus on Shared Services and Outsourcing, highlights the fact that **"The UK Government are outsourcing many of their HR, finance and procurement operations to Wales. The first outsourced independent shared service centre, providing shared services the Department for Transport and its executive agencies, is based in Swansea and run by global outsourcer Arvato. Newport is one of four UK centres of excellence run by Sopra Steria, who manage the second tranche of shared service centres for the UK Government. They provide shared services for more than 20 public sector organisations."**[8]

In many ways, this situation highlights the lack of a joined up approach on public services – Westminster Government public sector contracts, operating in Wales are outsourced to private sector companies and Welsh Assembly and Local Government contracts in Wales are largely kept in house.

Despite the struggles in accessing these public sector contracts, the growth of social enterprises is a success for the UK. The collapse of Carillion, who delivered major projects in Wales,[9] the current challenges facing Capita, who also have a strong basis in Wales, and the wider problems facing the outsourcing sector have brought into stark focus how public sector contracts could be procured and delivered going forward.

We are seeing the consequences of procurement based on price rather than outcomes, scale rather than fit and the same solution rather than diversity. Outcome is only measured fiscally rather than having additional social goals to establish financial returns and the positive social change which can be delivered through properly structured and administered public sector contracts.

2.4 SOCIAL ENTERPRISES AND THE EU

Wales receives substantially more income per head of population from the EU than any other UK nation. The Joseph Rowntree Foundation identified funding of £628 (2014 prices) per person coming into Wales from the EU, compared to, for example, £102 into England[10]. EU funding goes into much of the infrastructure development, into education and training provision, and into anti-poverty work in communities.

Wales still has Objective One status and between 2014-2020 West Wales and the Valleys is due to receive £1.4b funding, and East Wales £94m. A WCVA report on European Structural and Investment Funds 2014-2020[11] reports that in the 2007-2013 EU funding round:

- £98m of EU funding has been committed to 45 projects led by the third sector.

- Approx £63.5m in EU grants/contracts has been allocated to third sector organisations through projects led by the public sector.

- Approx £140.5m of contracts have been awarded to 421 third sector organisations.

There is a clear direction of travel. Post Brexit, consideration needs to be given to ensuring financial continuity for the third sector

PROPOSAL

3.1 WHAT IS WORKING?

The challenge of public sector funding has led many Welsh communities to focus on the sustainability that social enterprises offer. There are examples of social enterprise making a real difference to Welsh communities. For example, social enterprises in Blaenau Ffestiniog are coming together to work collectively to revive the area - **https://www.youtube.com/watch?v=X514auAxgic**.

Partneriaeth Ogwen (**https://www.ogwen.org/en/**) is working with three community councils to regenerate their area, including running a hydroelectric scheme. A community near Aberystwyth is mixing community development with small enterprise (**https://penparcau.cymru/**) and there are communities with cafes, childcare and shops all over Wales. The common experience is that much of this work happens 'in-spite' of public services, rather than with them.

The failure of social enterprises to maximise their potential is a product of, among other factors, the inflexibility and historic legacy (it has always been this way) of procurement and commissioning structures. The value of the small and the local is, therefore, not fully recognised. Community based social enterprises could deliver much of what Welsh policy is seeking – asset based, person centred working that builds long term strengths and sustainability. However, despite the policy focus there is little evidence that this approach is being adopted in the delivery solutions.

The Wellbeing of Future Generations Act[12] is a positive step for Wales. The Act sets out five ways of working that public bodies should be adopting:

> 1 Long Term - the importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.

> 2 Prevention - how acting to prevent problems occurring or getting worse may help public bodies meet their objectives.

> 3 Integration - considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.

> 4 Collaboration - acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.

> 5 Involvement - the importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the body serves.

Yet, so far, the benefits of this act in public procurement are missing and many organisations are questioning its relevance.

At the end of the day, why, when the Welsh Government have done so much to encourage social enterprise has so little progress been made? This is the ultimate challenge in the context of this paper and we highlight below some thoughts on what must change if the policy commitments are to be reflected in the delivery outcomes.

COMMUNITY FOCUS AND DIVERSITY ARE ALL BETTER SERVED BY SOLUTIONS

THAT ENCOURAGE DIFFERENCE AND REAL EXPERTISE.

3.2. A TEMPLATE FOR CHANGE

Given the lack of industry as a whole in Wales, we understand the clear and positive support of the public sector. Indeed, we believe that the public sector has the ability to harness and utilise the potential of social enterprise in a unique and empathetic way. This should not be in conflict with maintaining a strong public sector. The legislative effort and energy that the Welsh Government has put into encouraging social enterprise activity suggests that there is real disconnect between policy and on the ground activity.

We would argue strongly that there is room for both and that by working together the scope for innovation, community, diversity and local expertise is fundamentally enhanced. How could this be achieved:

1. Change Procurement Structures
The evidence shows that many social enterprises are only working with one local authority. Many local authorities still have procurement structures that fail to recognise the value that social enterprises bring to the long-term development of public services. Closing the consequent delivery gap between what public policy says and what public services do means introducing mechanisms that recognise the advantages of building a strong social enterprise sector.

2. Contract for local, small scale delivery
Procurement needs to recognise the value of service delivery that is responsive to the characteristics of a local community or area, and capable of identifying and building on local strengths (allowing for asset-based work).

3. Treating people as contributors to, as well as receivers of, services
Procurement structures need to move away from supporting a purely transactional relationship with people and communities. 'Involvement' is one of the five ways of working embedded into the Wellbeing of Future Generations Act, and a core requirement for co-production of services, and needs to become a tenet of commissioning.

4. Outcomes as well as outputs
We need procurement structures that focus on what a public service is seeking to achieve in the mid to long term, as well as what it is currently delivering. Policies tend to focus on wellbeing, on behavioural change and on sustainability but procurement and commissioning lag behind. They tend to focus exclusively on immediate, time limited delivery to an individual – an approach that works against whole family, whole community or even whole person sustainable outcomes.

5. Building Relationships
The relationship between social enterprise and public services needs to be more sophisticated and recognise how working together will more effectively meet policy visions. This means moving from a purely funder/deliverer relationship to a partnership model based on jointly meeting immediate needs AND creating sustainable change.

6. Capacity
Building capacity in social enterprises where it does not exist; encouraging and supporting collaboration (rather than competition); and developing new criteria for measuring impact, that allows for informed judgements to be made about the difference social enterprise is making.

7. Adopting the Well Being of Future Generations Act's five ways of working
Adopting these unilaterally, alongside the well-being goals, into procurement and commissioning structures. Mandating public bodies to create a much more social enterprise friendly environment in Wales.

3.3 SHAPING THE FUTURE

Wales has a long and proud history of social enterprise, Robert Owen, recognised as one of our most famous entrepreneurs, saw the need to ensure successful business combined with a social purpose. His Mill at New Lanark "was a business with a social purpose, not a charity. The business traded for a profit and used the profit for social purposes such as providing decent housing, health care and a shop that sold food and essential items at prices that working people could afford."

Over 200 years later, the Welsh government published the Social Enterprise Strategy for Wales in 2005, the first strategy in Wales of its kind. This was followed in 2008 by The Third Dimension, The Social Enterprise Action Plan in 2009, Wales the Procurement Policy Statement (2012), Social Value Act (2012), Well Being of Future Generations Act's (2015).

We, therefore know that there is the political will. Yet, despite this, social enterprises in Wales still struggle to achieve their potential. We believe that the Well Being of Future Generations Act offers a step forward. However, the most important key to unlocking the potential of social enterprises is reforming and changing the culture that underpins public sector procurement.

STRONGER SOCIAL FOCUS

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4 http://www.cbi.org.uk/news/wales-needs-a-bold-vision-to-deliver-growth-and-opportunity-for-all/a-plan-for-prosperity/Wales_Manifesto_Report.pdf. Page 11.

5 https://seneddresearch.blog/2018/06/29/pfi-and-outsourcing-what-lessons-can-be-learnt-in-wales-from-recent-developments-with-carillion-and-capita/

6 http://sewfonline.com/wp-content/uploads/2017/07/Social-Business-Mapping-Report-28FINAL29-2017.pdf

7 The social business sector is described as also including co-operatives and employee owned businesses.

8 https://businesswales.gov.wales/financial-and-professional-services

9 https://www.walesonline.co.uk/business/business-news/major-schemes-wales-could-hit-14155759

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13 http://bssec.org.uk/robert-owen-social-and-co-operative-entrepreneur/

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4. CYFEIRIADAU pg 18

4.1 Rhestr Gyfeirio 18

Menter gymdeithasol yw 3SC. Cafodd ei ffurfio yn 2009, a'n gweledigaeth yw i'r trydydd sector (mudiadau gwirfoddol, grwpiau cymunedol, elusennau a mentrau cymdeithasol) ddarparu cyfran gynyddol a mwy fyth o effaith gymdeithasol drwy lunio partneriaethau yn y trydydd sector i ennill contractau'r sector cyhoeddus, a'u cyflawni. Mae hynny'n ddatganiad mawr, ac yn un a allai'n hawdd iawn gael ei ddiystyru fel dim ond darn arall o "sbin". Mae miloedd o "fentrau cymdeithasol", a'r cyfan yn crefu am sylw, a phob un yn ceisio gwneud mwy neu lai yr un peth - gwella bywydau'r rhai sydd ei angen hynny fwyaf - gyda phob un yn cystadlu am adnoddau, yn arbennig o bwrs y wlad. Mae ein gweledigaeth yn seiliedig ar y gred mai'r ffordd orau o fodloni blaenoriaethau a diwallu anghenion y rhai sy'n defnyddio gwasanaethau cyhoeddus yn ein cymunedau, ac yn enwedig y rhai sydd anoddaf eu cyrraedd, yw drwy sefydliadau profiadol, lleol, angerddol sy'n cael eu harwain gan genhadaeth gadarn a all sicrhau canlyniadau cymdeithasol effeithiol.

1.1 RHAGAIR

Yr hyn sy'n gwneud 3SC yn unigryw yw mai ein diben yw uno mentrau cymdeithasol bach a rhai mwy, ond yn arbennig y rhai bach, fel y gallant herio'r rhai mawr o ran gwneud cais am gontractau'r sector cyhoeddus.

Mae'r maes caffael cyhoeddus yn wynebu heriau sylweddol. Dangosodd tranc Carillion beth yw effaith caffael ar raddfa fawr bob tro. Nid yw hynny i ddweud nad yw Carillion a chwmnïau mawr eraill yn cyflawni prosiectau arbennig, gwasanaethau o ansawdd uchel a gwerth am arian. Mae'r bai, yn hytrach, ar yr obsesiwn i sicrhau'r un canlyniad o ran caffael. Bydd amrywiaeth a gwahaniaeth, yn ein barn ni, yn cyflawni mwy o ran arloesi, rhagoriaeth gwasanaeth a gwell canlyniadau.

Mae'r momentwm i newid yn cynyddu - nid yw'r un peth yn addas i bawb. Mae'n rhaid i'r bobl sy'n caffael gwasanaethau cyhoeddus gydnabod nad yw dyfarnu contractau bob amser yn dibynnu ar bris a maint. Yn wir, anaml iawn y mae'r canlyniadau gorau yn gysylltiedig â maint. Nid ydym yn awgrymu mai sefydliadau llai a'r trydydd sector yn unig y dylid eu hystyried ar gyfer caffael. Mae gennym gontract llwyddiannus iawn gydag Interserve, sy'n darparu gwasanaethau adsefydlu drwy'r trydydd sector, ac mae digon o enghreifftiau eraill o sectorau gwahanol yn cydweithio mewn ffyrdd cadarnhaol, cysylltiedig a grymus.

Yr hyn rydym am ei weld yw mwy o sensitifrwydd o ran y ffordd y caiff gwasanaethau eu caffael ac ymrwymiad cadarn, o fewn hynny, i sefydliadau'r trydydd sector a sefydliadau llai ennill cyfran resymol o'r gacen gaffael gyhoeddus.

Nod y papur hwn yw canfod y materion sy'n wynebu mentrau cymdeithasol yng Nghymru. Rydym wedi nodi ychydig o syniadau ar y tudalennau canlynol am sut y gallwn ddechrau mynd i'r afael â'r heriau rydym yn eu hwynebu heddiw yng Nghymru a llunio ychydig o argymhellion o ran sut i wella effeithiau a chanlyniadau cymdeithasol. Ni allwn ddatrys problemau sy'n ymwneud ag aildroseddu, tai, anableddau, cyflogaeth ac ati drwy anghydweld neu geisio ennill pwyntiau gwleidyddol. Ac ni chaiff y problemau - sydd â gwreiddiau dwfn a hen hanes iddynt - eu datrys yn gyflym gydag atebion rhwydd. Mae angen cydweithredu, amynedd, meddwl clir ac arian; ond arian a gaiff ei wario gyda golwg ar sicrhau'r ateb gorau, nid yr ateb rhataf. Mewn geiriau eraill, Partneriaethau gyda Phwrpas - rhywbeth y mae 3SC wedi ymrwymo i'w greu er lles pawb.

John Swinney - *Cadeirydd 3SC*

CEFNDIR

2.1 Y CYD-DESTUN

Ym mis Tachwedd 2017, lansiodd Gweinidogion Llywodraeth y DU yng Nghymru "Strategaeth Ddiwydiannol i sbarduno economi Cymru i weithredu ar ei gorau", gydag Ysgrifennydd Gwladol Cymru yn cyhoeddi

"Mae'r Strategaeth Ddiwydiannol yn disgrifio gweledigaeth argyhoeddiadol ar gyfer dyfodol yr economi yn y DU ac yn nodi ymagwedd newydd tuag at baratoi ar gyfer yr heriau a'r cyfleoedd y byddwn yn eu hwynebu yn y degawdau i ddod."

Mae'n gryn syndod nad oedd y ddogfen hon yn cynnwys unrhyw gyfeiriad at y rhan sydd gan fentrau cymdeithasol i'w chwarae wrth greu economi gref a llewyrchus. O gofio'r gefnogaeth ddeddfwriaethol a gwleidyddol i fentrau cymdeithasol yng Nghymru, roedd yr hepgoriad hwn yn arwydd o'r cyfle a gollwyd i ddarparu model gwahanol i'r dull aflwyddiannus presennol yn y sector preifat/sector cyhoeddus.

Roedd y sylfeini yn eu lle ar gyfer sector menter gymdeithasol gryf yng Nghymru, ond mae diffyg strategaeth menter gymdeithasol gydlynol, gysylltiedig, sy'n cwmpasu San Steffan a Chynulliad Cymru, wedi golygu na wireddwyd unrhyw gyfleoedd.

Mae Deddf Llesiant Cenedlaethau'r Dyfodol[1] yn ei gwneud yn ofynnol i gyrff cyhoeddus edrych y tu hwnt i benderfyniadau tymor byr sy'n seiliedig ar gyllid yn unig, ac ystyried effaith comisiynu ar sail cydlyniant cymunedol, cadernid a chydraddoldeb. Gan adeiladu ar hyn, mae Datganiad Polisi Caffael Cymru 2015[2] yn nodi bod yn rhaid i gyrff cyhoeddus ystyried effaith hirdymor penderfyniadau caffael a 'nodi meysydd gwariant y gellir eu neilltuo ar gyfer cyflenwyr gydag ethos cymdeithasol e.e. Mentrau Cydweithredol a Chwmnïau Cydfuddiannol yn y tendr cyntaf' (tudalen 5). Mae hefyd yn ofynnol i gyrff sector cyhoeddus Cymru benodi hyrwyddwr manteision cymunedol (ibid).

Ar ben hynny, mae Deddf Gwasanaethau Cyhoeddus a Llesiant (Cymru) 2014 yn ei gwneud yn ofynnol i awdurdodau lleol hyrwyddo menter gymdeithasol a chwmnïau cydweithredol. Er bod y sector mentrau cymdeithasol yng Nghymru'n tyfu, mae'r sector yn parhau'n fach ac nid yw'n llwyddo i gyrraedd ei lawn botensial.

Mae adroddiad diweddar ar y cyd rhwng Sefydliad Bevan a Chanolfan Cydweithredol Cymru (Ebrill 2018) yn dangos bod cyflogaeth mewn mentrau cymdeithasol yng Nghymru yn 3% o'r holl gyflogaeth, o'i gymharu â 5.6% ar draws y DU a 6.5% ar draws yr UE.

Mae twf y sector yn dangos gwir ddiddordeb mewn mentrau cymdeithasol. Fodd bynnag, yn eu hymgysylltiad â'r sector preifat a'r sector cyhoeddus y mae'r rhwystrau y mae'r mentrau cymdeithasol hyn yn eu hwynebu ar eu mwyaf dwys

2.2 GWEITHIO GYDA'R SECTOR PREIFAT

Mewn rhai ffyrdd, mae'r mentrau cymdeithasol yn wynebu yr un anawsterau â'r sector preifat yng Nghymru wrth gystadlu am gontractau cyhoeddus mawr. Busnesau meicro yw'r rhan fwyaf o'r sector busnes yng Nghymru, hynny yw busnesau sy'n cyflogi llai na 10 o bobl (95% o bob menter[3]). Dywed CBI Cymru fod tua 107,000 o gwmnïau yng Nghymru sydd â chyfartaledd o 19 o weithwyr yn ne-ddwyrain Cymru a 6 o weithwyr yng ngogledd Cymru[4]. Fodd bynnag, yn 2015, dim ond 3,640 o fusnesau yng Nghymru oedd yn cyflogi dros 50 o bobl (3% o gyfanswm ffigur y CBI), a 1,595 yn cyflogi 250 neu fwy (1.5% o ffigur y CBI). Felly, mae'r cyfle i fenter gymdeithasol gydweithio â busnesau mawr yn brin.

Fodd bynnag, mae nifer o brosiectau sylweddol yng Nghymru o hyd, sydd angen Menter Cyllid Preifat. Mae 23 o brosiectau Menter Cyllid Preifat yng Nghymru ar hyn o bryd, gyda gwerth cyfalaf o £701 miliwn a gaiff eu noddi gan Lywodraeth Cymru, a 5 o brosiectau a gaiff eu noddi gan adrannau Llywodraeth y DU, sy'n llai nag yn unrhyw le arall yn y DU[5].

Mae'r berthynas rhwng y Fenter Cyllid Preifat a chontractau'r sector preifat wedi cael llawer o sylw. Mae'r gydnabyddiaeth bod angen diwygio'r Fenter Cyllid Preifat, os yw i barhau i gael ei defnyddio fel dull o ariannu contractau'r sector preifat, yn dystiolaeth o hyn.

Mae'n amlwg bod angen cyllido contractau'r sector cyhoeddus, yn arbennig pan maent yn gysylltiedig â phrosiectau seilwaith yn ogystal â gwasanaethau. Fodd bynnag, byddem yn awgrymu y dylid canolbwyntio bob amser, hefyd, ar y gwerth cymdeithasol y gall y contract ei sicrhau i'r defnyddwyr a'r gymuned leol.

Nid oes amheuaeth bod y sefyllfa'n fwy difrifol yn Lloegr oherwydd natur ddaearyddol a diwydiannol llawer o'r rhanbarthau, ond dylai'r ffaith nad oes llawer o gontractau sector cyhoeddus yn cael eu dyfarnu ar raddfa fawr i gwmnïau allanol yng Nghymru, olygu mwy o gyfleoedd i fentrau cymdeithasol. Ond nid yw hyn yn wir: canlyniad cadw'r sector preifat allan o reoli contractau'r sector cyhoeddus yw cadw'r sector cyhoeddus yn rhan o'r broses. Y casgliad yw diffyg amrywiaeth o ran darpariaeth a, thrwy hynny, arloesi. Credwn fod angen dull caffael sy'n fwy strategol. Un sy'n caniatáu i fentrau cymdeithasol ddarparu'r 'gorau' o'r sector preifat - amrywiaeth a chost-effeithlonrwydd - a'r 'gorau' o'r sector cyhoeddus - cymuned gref ac ethos cymdeithasol. Mae presenoldeb monopoli mewnol mewn llawer o Awdurdodau Lleol yn cyfyngu lawn cymaint ar arloesi ac amrywiaeth â phe byddai'r gwasanaeth yn cael ei ddarparu gan gwmni mawr preifat ar gontract allanol.

Byddem yn dadlau bod monopoli yn llesteirio proses gaffael o'r radd flaenaf. Ni waeth a yw'r monopoli hwnnw mewn dwylo preifat neu ddwylo cyhoeddus, caiff cystadleuaeth, arloesi, ffocws cymunedol ac amrywiaeth eu gwasanaethu'n well gan atebion sy'n annog gwahaniaeth a gwir arbenigedd, ond yr unig ffordd o'u darparu yw os caiff y drefn gaffael bresennol ei diwygio i greu fframwaith mwy hyblyg y gall sefydliadau o bob maint weithredu ynddo.

2.3 GWEITHIO GYDA'R SECTOR CYHOEDDUS

Cynhaliodd adroddiad Busnes Cymdeithasol Cymru/Canolfan Cydweithredol Cymru 'Mapping the social business sector in Wales[6] (2017) arolwg o 810 o fusnesau cymdeithasol yng Nghymru, a 65% yn disgrifio'u hunain fel mentrau cymdeithasol[7]. Noda'r adroddiad fod 1696 o sefydliadau yn y sector busnes cymdeithasol yng Nghymru ac mae'n amcangyfrif eu bod yn cyfrannu £2.37 biliwn at economi Cymru, gan gynnal 40,800 o swyddi a rhwng 48,000 a 58,000 o wirfoddolwyr (mae'n bwysig nodi bod yr arolwg yn cynnwys 8 o landlordiaid cymdeithasol cofrestredig).

Er hynny, nid oedd 23% ohonynt yn cyflogi unrhyw staff; ac mae 51% arall yn cyflogi llai na 10 o bobl. Roedd trosiant tri-chwarter ohonynt yn is na £250,000 a chwarter ohonynt yn is na £25,000.

Yn adroddiad 2017 Busnes Cymdeithasol Cymru/Canolfan Cydweithredol Cymru ar Fusnes Cymdeithasol yng Nghymru, roedd 40% o'r rhai a gymerodd ran yn yr arolwg yn cael grantiau o'r sector cyhoeddus (i lawr o 49% yn 2014) a dywedodd 24% mai o'r sector cyhoeddus roedd y rhan fwyaf o'u gwaith masnachu i'w gael (i lawr o 28% yn 2014). Felly, ymddengys fod tueddiad tuag at gefnogi llai o waith mentrau cymdeithasol gan y sector cyhoeddus yng Nghymru (er ei fod yn amlwg yn ffactor pwysig), er gwaethaf y ffocws polisi ar ddatblygu a chynnwys mentrau cymdeithasol mewn gwasanaethau cyhoeddus.

Ar adeg pan mae cyllid y sector cyhoeddus dan bwysau cynyddol, a boddhad cwsmeriaid gyda llawer o'n gwasanaethau cyhoeddus ar ei isaf erioed, mae'n amser i'r sector cyhoeddus adolygu faint mae'n ymwneud â'r sector mentrau cymdeithasol. Roedd 'Mapping the social business sector in Wales' yn tynnu sylw at faint y broblem - roedd 63% o'r mentrau cymdeithasol a gymerodd ran yn yr arolwg yn gweithio yn gweithio mewn dim ond un awdurdod lleol. Byddem yn awgrymu fod cyfle gwirioneddol i awdurdodau lleol yng Nghymru sicrhau bod cynnydd yn y nifer o awdurdodau lleol sy'n elwa o'r arbenigedd a'r ddealltwriaeth y gall mentrau cymdeithasol eu darparu iddynt.

Nid awdurdodau lleol, fodd bynnag, yw'r unig broblem. Mae Llywodraeth San Steffan, hefyd, yn gyfrifol am roi contractau allanol y sector cyhoeddus i'r sector preifat. Mae'r cyhoeddiad, Financial and Professional Services sy'n canolbwyntio'n gryf ar gydwasanaethau a chontractau allanol, yn tynnu sylw at y ffaith: **"The UK Government are outsourcing many of their HR, finance and procurement operations to Wales. The first outsourced independent shared service centre, providing shared services the Department for Transport and its executive agencies, is based in Swansea and run by global outsourcer Arvato. Newport is one of four UK centres of excellence run by Sopra Steria, who manage the second tranche of shared service centres for the UK Government. They provide shared services for more than 20 public sector organisations."**[8]

Mewn sawl ffordd, mae'r sefyllfa hon yn tynnu sylw at y diffyg cydgysylltiad o ran gwasanaethau cyhoeddus – caiff contractau sector cyhoeddus Llywodraeth San Steffan, sy'n gweithredu yng Nghymru, eu rhoi ar gontractau allanol i gwmnïau'r sector preifat a chaiff contractau Cynulliad Cymru a Llywodraeth Leol yng Nghymru eu cadw'n fewnol.

Er gwaethaf yr anawsterau o ran cael gafael ar y contractau sector cyhoeddus hyn, mae twf mentrau cymdeithasol yn llwyddiant yn y DU. Mae cwymp Carillion, a oedd yn cyflawni

prosiectau mawr yng Nghymru[9], yr heriau y mae Capita yn eu hwynebu ar hyn o bryd, sydd hefyd â sail gref yng Nghymru, a'r problemau ehangach y mae'r sector contractau allanol yn eu hwynebu wedi dangos yn glir sut y gellir caffael contractau'r sector cyhoeddus a'u darparu yn y dyfodol. Rydym yn gweld canlyniadau caffael ar sail pris yn hytrach na chanlyniad, ar faint yn hytrach nag addasrwydd ac ar yr un ateb yn hytrach nag amrywiaeth.

Dim ond yn ariannol y caiff canlyniad ei fesur, yn hytrach na chynnwys amcanion cymdeithasol ychwanegol i greu elw a newid cymdeithasol cadarnhaol y gellir eu cyflawni drwy gontractau'r sector cyhoeddus sydd wedi'u strwythuro a'u gweinyddu'n briodol.

2.4 MENTRAU CYMDEITHASOL A'R UE

Mae Cymru yn cael swm sylweddol fwy o incwm y pen o'r boblogaeth gan yr UE nag unrhyw wlad arall yn y DU. Nododd Sefydliad Joseph Rowntree fod cyllid o £628 (prisiau 2014) y pen yn dod i mewn i Gymru o'r UE, o'i gymharu â £102, er enghraifft, i Loegr[10]. Mae cyllid yr UE yn cael ei ddefnyddio ar gyfer llawer o ddatblygiadau seilwaith, addysg, darpariaeth hyfforddi, a gwaith atal tlodi mewn cymunedau.

Mae gan Gymru statws Amcan Un o hyd a rhwng 2014 a 2020, disgwylir i orllewin Cymru a'r Cymoedd gael £1.4 biliwn o gyllid, ac i ddwyrain Cymru gael £94 miliwn. Mae adroddiad Cyngor Gweithredu Gwirfoddol Cymru ar Gronfeydd Strwythurol a Buddsoddi Ewropeaidd 2014-2020[11] yn nodi'r canlynol ynghylch cylch cyllido 2007-2013 yr UE:

- Mae £98 miliwn o gyllid yr UE wedi cael ei ymrwymo i 45 o brosiectau a gaiff eu harwain gan y trydydd sector.

- Mae tua £63.5 miliwn mewn grantiau/ contractau'r UE wedi cael ei ddyrannu i sefydliadau'r trydydd sector drwy brosiectau a gaiff eu harwain gan y sector cyhoeddus.

- Mae tua £140.5 miliwn o gontractau wedi cael eu dyfarnu i 421 o sefydliadau'r trydydd sector.

Mae'r cyfeiriad yn glir. Ar ôl dilyn Brexit, mae'n rhaid ystyried sicrhau parhad ariannol i'r trydydd sector.

CYNNIG

3.1 BETH SY'N GWEITHIO?

Mae'r her sy'n gysylltiedig â chyllid y trydydd sector wedi golygu bod llawer o gymunedau Cymru wedi canolbwyntio ar y cynaliadwyedd y gall mentrau cymdeithasol ei gynnig. Ceir enghreifftiau o fentrau cymdeithasol yn gwneud gwahaniaeth gwirioneddol i gymunedau Cymru. Er enghraifft, mae mentrau cymdeithasol ym Mlaenau Ffestiniog yn dod at ei gilydd i gydweithio i adfywio'r ardal - **https://www.youtube.com/watch?v=X514auAxgic**.

Mae Partneriaeth Ogwen (**https://www.ogwen.org/en/**) yn cydweithio â thri chyngor cymuned i adfywio'r ardal, gan gynnwys cynllun hydrodrydanol. Mae cymuned ger Aberystwyth yn cymysgu datblygu cymunedol â menter fach (**https://penparcau.cymru/**) a cheir cymunedau â chaffis, gofal plant a siopau ledled Cymru. Y profiad cyffredinol yw bod llawer o'r gwaith hwn yn digwydd 'er gwaethaf' gwasanaethau cyhoeddus, yn hytrach na gyda hwy.

Mae methiant mentrau cymdeithasol i fanteisio ar eu potensial yn seiliedig, ymysg pethau eraill, ar anhyblygrwydd strwythurau comisiynu a chaffael ac etifeddiaeth hanesyddol (fel hyn mae wedi bod erioed). Felly ni chaiff gwerth yr elfennau bach a lleol ei ddeall yn llawn. Gallai mentrau cymdeithasol yn y gymuned ddarparu llawer o'r hyn y mae polisi Cymru yn chwilio amdano - gwaith sy'n seiliedig ar asedau, yn canolbwyntio ar bobl, ac sy'n adeiladu ar gryfderau a chynaliadwyedd hirdymor. Fodd bynnag, er gwaethaf y ffocws ar bolisi, ychydig iawn o dystiolaeth sydd fod y dull hwn yn cael ei fabwysiadu yn y datrysiadau o ran cyflawni.

Mae Deddf Llesiant Cenedlaethau'r Dyfodol[12] yn gam cadarnhaol ymlaen i Gymru. Mae'r Ddeddf yn nodi pum ffordd o weithio y dylai cyrff cyhoeddus fod yn eu mabwysiadu:

> 1 Hirdymor – pwysigrwydd cadw cydbwysedd rhwng anghenion y tymor byr a'r angen i ddiogelu'r gallu hefyd i fodloni anghenion hirdymor.

> 2 Atal – sut y gallai gweithredu i atal problemau rhag digwydd neu waethygu helpu cyrff cyhoeddus i fodloni eu hamcanion.

> 3 Integreiddio - ystyried sut y gallai amcanion y corff cyhoeddus effeithio ar bob un o'r amcanion llesiant, ar eu hamcanion, neu ar amcanion cyrff cyhoeddus eraill.

> 4 Cydweithio – cydweithio ag unrhyw berson arall (neu wahanol rannau o'r corff ei hun) a allai gynorthwyo'r corff i fodloni ei amcanion llesiant.

> 5 Cynnwys - pwysigrwydd cynnwys pobl sydd â diddordeb mewn cyflawni'r amcanion llesiant a sicrhau fod y bobl hynny'n adlewyrchu amrywiaeth yr ardal y mae'r corff yn ei wasanaethau.

Ond, hyd yn hyn, mae manteision y ddeddf hon o ran caffael cyhoeddus ar goll ac mae llawer o sefydliadau'n cwestiynu ei pherthnasedd.

Pan mae Llywodraeth Cymru wedi gwneud cymaint i annog mentrau cymdeithasol, pam mae cyn lleied o gynnydd wedi ei wneud? Dyma'r her eithaf yng nghyd-destun y papur hwn ac rydym yn tynnu sylw isod at ychydig o syniadau am yr hyn a ddylai newid os am sicrhau bod ymrwymiadau'r polisi yn cael eu hadlewyrchu yn y canlyniadau.

MAE ATEBION SY'N ANNOG GWAHANIAETH A GWIR ARBENIGEDD

YN FWY BUDDIOL I FFOCWS CYMUNEDOL AC AMRYWIAETH.

3.2. TEMPLED AR GYFER NEWID

O gofio'r diffyg diwydiant yng Nghymru gyfan, rydym yn deall y gefnogaeth glir a chadarnhaol i'r sector cyhoeddus. Yn wir, rydym yn credu bod gan y sector cyhoeddus y gallu i fanteisio ar y potensial sydd gan fenter gymdeithasol mewn ffordd unigryw ac empathetig. Ni ddylai hyn fynd ar draul y gwaith o gynnal sector cyhoeddus cryf. Mae'r ymdrech ddeddfwriaethol a'r egni y mae Llywodraeth Cymru wedi'u rhoi i annog gweithgareddau menter gymdeithasol yn awgrymu nad oes cysylltiad o gwbl rhwng polisi a gweithgaredd ar lawr gwlad.

Buasem yn awgrymu'n gryf bod lle i'r ddau a bod y posibilrwydd ar gyfer arloesi, cymuned, amrywiaeth ac arbenigedd lleol yn cael ei wella'n sylweddol drwy gydweithio. Sut y gellir cyflawni hyn:

NEWID
CONTRACT
POBL
CANLYNIADAU
ADEILADU
DIOGELU
MABWYSIADU

1. Newid Strwythurau Caffael
Dengys y dystiolaeth mai dim ond gydag un awdurdod lleol y mae llawer o fentrau cymdeithasol yn gweithio. Mae gan lawer o awdurdodau lleol strwythurau caffael o hyd nad ydynt yn cydnabod y gwerth y mae mentrau cymdeithasol yn ei sicrhau i ddatblygiad hirdymor gwasanaethau cyhoeddus. Mae cau'r bwlch darpariaeth dilynol rhwng yr hyn a ddywed y polisi cyhoeddus a'r hyn a wnaiff gwasanaethau cyhoeddus yn golygu cyflwyno dulliau sy'n cydnabod manteision adeiladu sector menter gymdeithasol gryf.

2. Contract ar gyfer darpariaeth leol ar raddfa fach
Mae angen i'r maes caffael gydnabod gwerth darparu gwasanaeth sy'n ymateb i nodweddion cymuned neu ardal leol, ac sy'n gallu canfod cryfderau lleol ac adeiladu arnynt (gan ganiatáu ar gyfer gweithio ar sail ased).

3. Trin pobl fel eu bod yn cyfrannu at wasanaethau, yn ogystal â'u derbyn
Mae angen i strwythurau caffael symud oddi wrth gefnogi dim ond perthynas weithredol yn unig â phobl a chymunedau. 'Cynnwys' yw un o'r pum ffordd o weithio sy'n ganolog i Ddeddf Llesiant Cenedlaethau'r Dyfodol, ac mae'n un o'r gofynion craidd ar gyfer cyd-gynhyrchu gwasanaethau, ac mae angen i hyn ddod yn un o egwyddorion comisiynu.

4. Canlyniadau yn ogystal ag allbwn
Mae angen strwythurau caffael sy'n canolbwyntio ar yr hyn y mae gwasanaeth cyhoeddus yn ceisio'i gyflawni yn y tymor canolig i'r tymor hir, yn ogystal â'r hyn y mae'n ei gyflawni ar hyn o bryd. Mae polisïau'n dueddol o ganolbwyntio ar lesiant, ar newid ymddygiad ac ar gynaliadwyedd, ond mae caffael a chomisiynu ar ei hôl hi yn hyn o beth. Maent yn dueddol o ganolbwyntio ar ddarpariaeth uniongyrchol, sy'n gyfyngedig i amser, i unigolion - dull sy'n gweithio'n groes i'r teulu cyfan, cymuned gyfan, neu hyd yn oed ganlyniadau cynaliadwy i berson cyfan.

5. Meithrin Cysylltiadau
Mae angen i'r berthynas rhwng menter gymdeithasol a gwasanaethau cyhoeddus fod yn fwy soffistigedig a chydnabod sut y bydd cydweithio yn cyflawni gweledigaeth polisi yn fwy effeithiol. Mae hyn yn golygu symud oddi wrth berthynas ariannwr/darparwr yn unig tuag at fodel o bartneriaeth sy'n diwallu anghenion ar unwaith YN OGYSTAL Â chreu newid cynaliadwy.

6. Capasiti
Creu capasiti mewn mentrau cymdeithasol lle nad yw'n bodoli; annog a chefnogi cydweithredu (yn hytrach na chystadlu); a datblygu meini prawf newydd ar gyfer mesur effaith, sy'n caniatáu ar gyfer creu barn hyddysg am y gwahaniaeth y mae menter gymdeithasol yn ei wneud.

7. Mabwysiadu'r pum ffordd o weithio sydd yn Neddf Llesiant Cenedlaethau'r Dyfodol
Mabwysiadu'r rhain yn unochrog, ynghyd â'r nodau llesiant, i strwythurau caffael a chomisiynu. Gorchymyn cyrff cyhoeddus i greu amgylchedd llawer mwy cyfeillgar i fentrau cymdeithasol yng Nghymru.

3.3 LLUNIO'R DYFODOL

Mae gan Gymru hen hanes balch o fentrau cymdeithasol. Gwelodd Robert Owen, a gaiff ei gydnabod fel un o'n hentrepreneuriaid mwyaf adnabyddus, yr angen i sicrhau busnes llwyddiannus wedi'i gyfuno â diben cymdeithasol. Dywedir am ei felin yn New Lanark "[It] was a business with a social purpose, not a charity. The business traded for a profit and used the profit for social purposes such as providing decent housing, health care and a shop that sold food and essential items at prices that working people could afford."[13]

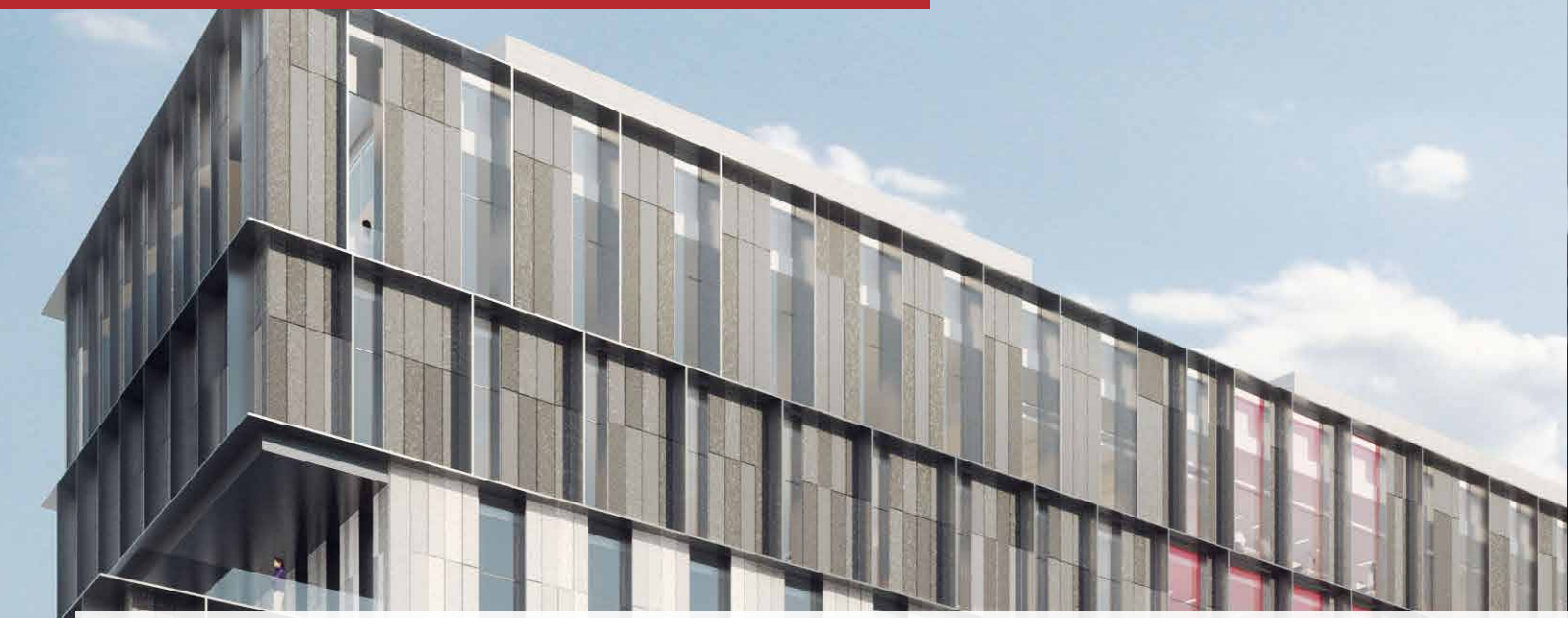
Dros 200 mlynedd yn ddiweddarach, cyhoeddodd Llywodraeth Cymru Strategaeth Fenter Gymdeithasol i Gymru yn 2005, y strategaeth gyntaf o'r bath yng Nghymru. Dilynwyd hyn yn 2008 gan Y Trydydd Dimensiwn, Cynllun Gweithredu Menter Gymdeithasol 2009, Datganiad Polisi Caffael Cymru (2012), Deddf Gwerth Cymdeithasol (2012), Deddf Llesiant Cenedlaethau'r Dyfodol (2015).

Gwyddom, felly, fod yna ewyllys wleidyddol. Ond, er gwaethaf hyn, mae mentrau cymunedol yng Nghymru yn parhau i'w chael hi'n anodd cyflawni eu potensial. Rydym yn credu bod Deddf Llesiant Cenedlaethau'r Dyfodol yn cynnig cam ymlaen. Fodd bynnag, y peth pwysicaf o ran rhyddhau potensial mentrau cymdeithasol yw diwygio a newid y diwylliant sy'n ganolog i gaffael yn y sector cyhoeddus.

FFOCWS CYMDEITHASOL CRYFACH

CYFEIRIADAU

4.1 RHESTR GYFEIRIO



1 https://futuregenerations.wales/cy/about-us/future-generations-act/

2 https://gov.wales/docs/prp/toolkit/procurement-policy-statement-2015-cy.pdf

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4 http://www.cbi.org.uk/news/wales-needs-a-bold-vision-to-deliver-growth-and-opportunity-for-all/cynllun-ar-gyfer-ffyniant/ Tudalen 11.

5 https://seneddymchwil.blog/2018/06/29/y-fenter-cyllid-preifat-a-chontractau-allanol-pa-wersi-y-gellir-eu-dysgu-yng-nghymru-o-ddatblygiadau-diweddar-gyda-carillion-a-capita/

6 http://sewfonline.com/wp-content/uploads/2017/07/Social-Business-Mapping-Report-28FINAL29-2017.pdf

7 Disgrifir y sector busnes cymdeithasol fel sector sy'n cynnwys cwmnïau cydweithredol a busnesau y mae cyflogeion yn berchnogion arnynt hefyd.

8 https://businesswales.gov.wales/cy/financial-and-professional-services

9 https://www.walesonline.co.uk/business/business-news/major-schemes-wales-could-hit-14155759 nodwyd yn:

10 http://ppiw.org.uk/what-will-brexit-mean-for-wales/ fel ym mis Ebrill 2017.

11 https://www.wcva.org.uk/media/4587382/01_cronfeydd_strwythurol_a_buddsoddi_ewropeaidd_2014-2020.pdf

12 https://futuregenerations.wales/cy/about-us/future-generations-act/

13 http://bssec.org.uk/robert-owen-social-and-co-operative-entrepreneur/

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