

Schedule 8
Community Benefits and Sustainability

SCHEDULE 8 – COMMUNITY BENEFITS AND SUSTAINABILITY

1. DEFINITIONS

1.1 Capitalised terms in this Schedule 8 that are not defined in Schedule 1 (Definitions) shall have the following meanings:

Agreement Year	the period of twelve (12) months commencing on the Effective Date and successive periods of twelve (12) months thereafter; and the period between the last such period and the last day of the Term.
Apprentice	a formal arrangement between a person aged sixteen (16) or over to earn a wage and work alongside experienced staff to gain job-specific skills through a recognised and approved apprenticeship scheme including but not limited to the Apprenticeship Matching Service.
Apprentice Rate	the national minimum wage rate as applicable to Apprentices.
Disadvantaged Worker	a person who: (a) has not been in regular paid employment for the previous six (6) months; or (b) is between fifteen (15) and twenty-four (24) years of age; or (c) has not attained an upper secondary educational or vocational qualification (International Standard Classification of Education 3) or is within two (2) years after completing full-time education and who has not previously obtained his or her first regular paid employment; or (d) is over the age of fifty (50) years; or (e) lives as a single adult with one or more dependents; or (f) works in a sector or profession in a Member State of the EU where the gender imbalance is at least twenty five per cent (25%) higher than the average gender imbalance across all economic sectors in that Member State, and belongs to that underrepresented gender group; or (g) is a member of an ethnic minority within a Member State of the EU and who requires development of his or her linguistic, vocational training or work experience profile to enhance prospects of gaining access to stable employment.
Economically Inactive Person	a person who has not been in paid employment in the three (3) month period immediately prior to taking up a Full Time Equivalent Job.
Ethical Employment in Supply chains Code of Practice	the code of practice established by the Welsh Government to support the development of more ethical supply chains to deliver contracts for the Welsh public sector and third sector organisations in receipt of public funds.
Full Time Equivalent Job	a permanent paid job which is expected to exist for at least twelve (12) months. It is to be based on a minimum of thirty (30) working hours per week. Where the post involves working less than thirty (30) hours per week (subject to a minimum of sixteen (16) hours per week) then the hours worked may be divided by thirty (30) to give the proportion of a Full Time Equivalent Job maintained or provided. This does not include jobs which have been relocated.

Future Generations Act	the Well-being of Future Generations (Wales) Act 2015.
Grantee Employee	any employee of the Grantee on the Effective Date.
Green Growth Wales Paper	the Welsh Government prospectus for green growth Wales.
Natura 2000	(i) any Special Area of Conservation (“ SAC ”) as defined under the Conservation (Natural Habitats &c.) Regulations 1994 and the Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007, and any Special Protection Area (“ SPA ”) as defined under the EC Birds Directive (EC Directive 2009/147/EC); and (ii) any other site afforded the same protection as SACs and SPAs by the Welsh Ministers
New Full Time Equivalent Job	a Full time Equivalent Job which did not exist prior to the Effective Date.
Person-week	the equivalent of one person working a minimum of thirty (30) hours per week (where the post involves working less than thirty (30) hours per week (subject to a minimum of sixteen (16) hours per week) then the hours worked may be divided by thirty (30) to give the proportion of a Person-week provided).
Protected characteristics	the following characteristics are defined by the Equality Act 2010 as protected characteristics: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.
Qualifications Wales	the regulator of non-degree qualifications and the qualifications systems in Wales established by the Qualifications Wales Act 2016.
Specification of Apprenticeship Standards for Wales	the standards for apprenticeship published from time to time by the Welsh Government.
Towards Zero Waste Strategy	the Welsh Assembly Government's guidance document entitled "Towards Zero Waste; One Wales: One Planet".
Under represented groups	<ul style="list-style-type: none"> • Individuals with protected characteristics; • Individuals who have been in care; • Lower income households - below 60% of median income; • Lowest 20% cohort in Index of Multiple Deprivation (IMD) for Wales; • Low participation neighbourhoods in higher education.

2. BACKGROUND

2.1 This Schedule 8 details the Grantee's obligations in respect of:

- 2.1.1 Targeted Recruitment and Training (Part 1A and Part 1B);
 - 2.1.2 The Environment (Part 2);
 - 2.1.3 Equal Opportunities, Equality and Diversity and Supply Chain Development (Part 3 and Annex A).
- 2.2 The Welsh Ministers are striving to develop a vibrant Welsh economy capable of delivering strong and sustainable economic development and growth by providing opportunities for everyone in Wales. Sustainable development means ensuring that our actions contribute in the round to social, economic and environmental well-being now and in the future; improving the environment, building stronger communities, reducing social exclusion and poverty and encouraging the development of the economy.
- 2.3 As part of ensuring that the Deployed Services represent value for money, community benefits and sustainability objectives are to be derived through the Agreement. This Schedule 8 provides target areas for measurement of those community benefits and sustainability objectives and a formal process to ensure the Grantee fully engages and discharges its obligations in a way that achieves value for money throughout its supply chain, on a whole life basis in terms of generating measurable benefits to society and the economy in Wales, whilst minimising damage to the environment.

3. **GENERAL OBLIGATIONS**

- 3.1 In carrying out the Deployed Services, the Grantee shall:
- 3.1.1 have regard to the objectives and requirements of the Future Generations Act;
 - 3.1.2 use reasonable endeavours to enable the Welsh Ministers to fulfil their obligations under the Future Generations Act, including:
 - 3.1.2.1 facilitating collaborative working;
 - 3.1.2.2 providing information for reporting purposes;
 - 3.1.2.3 adopting the sustainability principles of the Well-being of Future Generations (Wales) Act 2015;
 - 3.1.2.4 those detailed in the Shared Purpose: Shared Future statutory guidance notes SPSF1, SPSF 2 and SPSF3 (see <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>).
 - 3.1.3 comply with the Ethical Employment in Supply Chains Code of Practice.

4. **PROCESS**

- 4.1 The Welsh Ministers and the Grantee shall each appoint a Sustainable Development Manager to promote, manage and assure the Grantee's delivery of the programme of community benefits and sustainability objectives envisaged by this Schedule 8.
- 4.2 The Grantee shall report Quarterly on progress concerning the delivery of its obligations under this Schedule 8 as detailed in Schedules 6.1(Governance) and 6.4 (Reports).
- 4.3 If the Grantee fails to comply with its obligations under this Schedule 8, the Parties shall resolve the matter in accordance with the Dispute Resolution Procedure.

Part 1A

Targeted Recruitment and Training

1. OUTPUTS

1.1. The Grantee shall deliver the following outcomes in carrying out the Deployed Services:

1.1.1. A minimum of existing Full Time Equivalent Jobs, which are based in Wales, to be maintained for Grantee Employees during the Term as detailed for each Agreement Year in the following table;

Organisation	Agreement Year 1	Agreement Year 2	Agreement Year 3	Agreement Year 4	Agreement Year 5	Agreement Year 6	Agreement Year 7
Grantee	0	0	0	0	0	0	0
Totals:	0	0	0	0	0	0	0

1.1.2. A minimum of New Full Time Equivalent Jobs (excluding Apprentices), which are based in Wales, to be provided by the Grantee as detailed for each Agreement Year in the following table;

Organisation	Agreement Year 1	Agreement Year 2	Agreement Year 3	Agreement Year 4	Agreement Year 5	Agreement Year 6	Agreement Year 7
Grantee	7	0	0	0	0	0	0
Totals:	7	0	0	0	0	0	0

1.1.3. A minimum of New Full Time Equivalent Jobs for Apprentices, which are based in Wales, to be provided by the Grantee as detailed for each Agreement Year in the following table;

Organisation	Agreement Year 1	Agreement Year 2	Agreement Year 3	Agreement Year 4	Agreement Year 5	Agreement Year 6	Agreement Year 7
Grantee	0	0	0	0	0	0	0
Totals:	0	0	0	0	0	0	0

1.1.4. A minimum of the equivalent of 0 Person-weeks of employment to be made available as work experience during the Term.

- 1.2. The Grantee shall remunerate Apprentices providing the Deployed Services in accordance with the Grantee's terms and conditions of employment, such remuneration to be in accordance with the Apprentice Rate.
- 1.3. The Grantee shall increase the remuneration of Apprentices, Disadvantaged Workers and Economically Inactive Persons providing the Deployed Services in line with its normal operating practice as amended from time to time.
- 1.4. The Grantee shall assist any Apprentice providing the Deployed Services to achieve relevant Qualifications Wales qualifications or equivalent.
- 1.5. The Grantee shall meet the specification of Apprenticeship Standards for Wales.
- 1.6. The Grantee shall request that each person taking up a New Full Time Equivalent Job (including Apprentices, Disadvantaged Workers and Economically Inactive Persons) providing the Deployed Services completes and signs the following documents set out in Part 1B to this Schedule 8:
 - 1.6.1. a General Information Form; and
 - 1.6.2. an Equal Opportunities Monitoring Form permitting the provision of personal data to the Welsh Ministers for contract monitoring purposes.
- 1.7. Where the forms referred to in paragraph 1.6 above are completed and signed by the person taking up a New Full Time Equivalent Job approving the release of their Personal Data to the Welsh Ministers for research and monitoring purposes only, such forms will be provided to the Welsh Ministers.
- 1.8. From three (3) months after the Effective Date onwards, the Grantee shall provide the Welsh Ministers with a Targeted Recruitment and Training Performance Statement relating to the Deployed Services setting out in relation to both the relevant three (3) month period and cumulatively:
 - 1.8.1. the numbers of New Full Time Equivalent Jobs provided for Apprentices, Disadvantaged Workers, Economically Inactive Persons and others, including the trade or occupation of the employment provided and the number of hours worked per week;
 - 1.8.2. the number of Person-weeks of work experience provided as work experience, including the activity of the work provided;
 - 1.8.3. the salary band of all New Full Time Equivalent Jobs, using the following salary bands
 - 1.8.3.1. £14,999 and below;
 - 1.8.3.2. £15,000 to £19,999;
 - 1.8.3.3. £20,000 to £24,999;
 - 1.8.3.4. £25,000 to £34,999; and
 - 1.8.3.5. £35,000 and above;
 - 1.8.4. appropriate evidence of the employment provided for each person in a Full Time Equivalent Job (including Apprentices, Disadvantaged Workers and Economically Inactive Persons), which may include spreadsheets showing the history of participation of each person in a Full Time Equivalent Job (including Apprentices, Disadvantaged Workers and Economically Inactive Persons);

- 1.8.5. the number of Apprentices, Disadvantaged Workers and Economically Inactive Persons gaining a full, accredited qualification, including details of the qualification gained and evidence of training records; and
- 1.8.6. the details of any termination of employment notification from Apprentices, Disadvantaged Workers or Economically Inactive Persons.
- 1.9. The Grantee shall ensure that the information required in respect of each person taking up a New Full time Equivalent Job in paragraphs 1.6 and 1.7 above shall also be available in respect of the number of Full Time Equivalent Jobs safeguarded for Grantee Employees, upon request by the Welsh Ministers.
- 1.10. Within two (2) months of the Effective Date, the Grantee shall develop a Monitoring and Evaluation Plan which will:
 - 1.10.1. set out the agreed measures and working models / methods to be adopted for reporting purposes; and
 - 1.10.2. deliver the targeted recruitment and training requirements and related monitoring and verification data, and obtain full co-operation of Subcontractors in delivering these requirements.
- 1.11. The Monitoring and Evaluation Plan must be approved by the Welsh Ministers (such approval not to be unreasonably withheld or delayed).
- 1.12. The inclusion of targeted recruitment and training requirements does not comprise or imply any promise on the part of the Welsh Ministers to provide suitable trainees or labour. All recruitment, training, supervision and discipline responsibilities rest with the Grantee.

Part 1B

Information Forms

(to be completed by each New Full Time Equivalent Job (including Apprentices) at the commencement of the New Full Time Equivalent Job)

1. General Information Form

Job / Apprenticeship title: (to be completed by employer)

Title:

Surname:

First name(s):

Address:

Post Code:

Unitary Authority where you live: (tick one)

Blaenau Gwent – Bridgend – Caerphilly – Cardiff – Carmarthen – Ceredigion – Conwy – Denbighshire – Flintshire – Gwynedd – Anglesey – Merthyr Tydfil – Monmouthshire – Neath Port Talbot – Newport – Pembrokeshire – Powys – Rhondda Cynon Taf – Swansea – Torfaen – Vale of Glamorgan – Wrexham – Outside of Wales

Contact telephone number:

Alternative contact telephone number:

Preferred language for communication (tick one): Welsh – English

National Insurance Number:

Date of birth:

Start date of work/apprenticeship:

PLEASE TICK ONE ANSWER FOR EACH OF THE FOLLOWING QUESTIONS

1. Do you give consent for your details to be passed on to the Welsh European Funding Office (WEFO) for the purposes of research?

YES - NO

Details sent to WEFO will be held securely by WEFO for research purposes only and in accordance with Data Protection legislation.

If you do not consent, only the following information will be sent to WEFO with the above identifying information removed.

2A. Before starting this work/apprenticeship, what was your employment status?

Claiming Job Seekers Allowance

In full time education or learning full time with a training provider

Other (please give details)

2B. If you have been unemployed or economically inactive, what was the duration of your unemployment or economic inactivity?

3. What is the highest level of qualification you hold?

None

Below NQF level 2 (for example: up to 4 O levels or GCSE grade A*-C, key skills qualification, basic skills qualification, NVQ level 1)

NQF level 2 (for example: 1 A level, 2/3 AS levels, Intermediate GNVQ, 5+ O levels or GCSE grade A*-C, NVQ level 2)

NQF level 3 (for example: Advanced GNVQ, 2+ A levels, 4+ AS levels, NVQ level 3)

NQF level 4-6 (for example: first degree, HNC, HND, BTEC, NVQ level 4)

NQF level 7-8 (for example: higher degree, NVQ level 5)

Signature

Date

By signing this **General Information Form** you hereby give your consent to the release of this information for research and monitoring purposes only to Welsh Ministers in connection with the Grant Agreement for the Provision of Deployed Services.

This information is collected in accordance with the [BT employee privacy notice](#)

The Grantee will use its current employee privacy notice a copy of the current notice in effect at the Effective Date is attached:

XXXXREDACTEDXXXX

The following form should be completed and submitted at the same time as 1. *General Information Form*, however must be presented as a standalone document with a unique reference number to allow it to be linked back to the individual, if required, but does not identify the individual to anyone else.

2. Equal Opportunities Monitoring form

Gender: Male –Female

Lone parent: Yes – No

Disabled: Yes – No

Health condition that limits your work: Yes – No

Understand Welsh: Yes – No

Speak Welsh: Yes – No

Read Welsh: Yes – No

Write Welsh: Yes – No

Age: 15-24; 25-54; 55-64; 65+

Ethnicity:

Black: Black British, Black English, Black Irish, Black Scottish, Black Welsh; Caribbean; African; other Black background (please specify)

Asian: Asian British, Asian English, Asian Irish, Asian Scottish, Asian Welsh; Indian; Pakistani; Bangladeshi; Chinese; any other Asian background (please specify)

White: British; English; Irish; Scottish; Welsh; any other White background (please specify)

Dual Heritage: White and Black Caribbean; White and Black African; White and Asian; any other dual heritage background (please specify)

Gypsy / Traveller / Romany

If you would prefer to describe your ethnic origin in another way, please do so.

Migrant: Yes – EU; Yes – non-EU; No.

By completing this **Equal Opportunities Monitoring Form** you hereby give your consent to the release of this information for research and monitoring purposes only to Welsh Ministers in connection with the Grant Agreement for the Provision of Deployed Services.

This information is collected in accordance with the [BT employee privacy notice](#)

The Grantee will use its current employee privacy notice a copy of the current notice in effect at the Effective Date is attached above.

Part 2

The Environment

1. Grantee obligations

1.1 In carrying out the Deployed Services, the Grantee must:

1.1.1 assist the Welsh Ministers in meeting their obligations under the following:

1.1.1.1 the Future Generations Act;

1.1.1.2 the Environment (Wales) Act 2016;

1.1.1.3 the Towards Zero Waste Strategy; and

1.1.1.4 the recommendations of the Green Growth Wales Paper.

1.1.2 use reasonable endeavours not to do anything that would have an adverse effect on the integrity of any Natura 2000 site;

1.1.3 have due regard to conserving biodiversity and the Grantee shall, in particular, have due regard to:

1.1.3.1 the United Nations Environmental Programme Convention on Biological Diversity of 1992; and

1.1.3.2 any list of living organisms and types of habitat published by the National Assembly for Wales under the Environment (Wales) Act 2016;

and conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat;

1.1.4 conform to the requirements of the EC Code of Conduct on Energy Consumption of Broadband Equipment (as amended from time to time);

1.1.5 provide details of the measures adopted to minimise energy usage in relation to the Network (including but not limited to sourcing electrical energy supplies from a green energy supplier and/or tariff and using ICT-enabled technology);

1.1.6 use reasonable endeavours to minimise the impact of waste through implementing a Waste Management Plan that deals with waste in the following descending order of priority:

1.1.6.1 prevention of waste;

1.1.6.2 minimisation of waste;

1.1.6.3 re-use of waste;

1.1.6.4 recycling of waste;

1.1.6.5 disposal of waste;

Details of the Waste Management Plan shall be provided from time to time to the Welsh Ministers;

- 1.1.7 use reasonable endeavours to achieve the following waste targets during the Term:
 - 1.1.7.1 a minimum of ninety per cent (90%) of the construction and demolition waste generated in the provision of the Deployed Services is reused, recycled or prepared for other material recovery; and
 - 1.1.7.2 a minimum of sixty seven per cent (67%) of the commercial and industrial waste generated in the provision of the Deployed Services is reused, recycled or prepared for other material recovery;
- 1.1.8 use reasonable endeavours to ensure that a minimum of twenty five per cent (25%) of all materials used have maximum recyclable value and that aggregates come from secondary or recycled sources provided this does not materially increase the Grantee's costs, is acceptable to local Highway Authorities and that it does not have the potential to cause delay;
- 1.1.9 operate an Environmental Management System certified to international standard ISO 14001 or equivalent;
- 1.1.10 calculate in advance and on an annual basis from the first anniversary of the Effective Date the estimated carbon emissions that will be produced in carrying out the Deployed Services and, as soon as reasonably practicable after such calculation, provide to the Welsh Ministers each annual estimate and a breakdown of how the same was calculated;
- 1.1.11 adopt a low carbon impact strategy to help minimise the greenhouse gas emissions arising from provision of the Deployed Services in accordance with the principles and goals set out in the Welsh Government publication 'Climate Change Strategy for Wales' and to provide the Welsh Ministers with a copy of such strategy when requested from time to time;
- 1.1.12 implement a low carbon impact strategy in relation to traffic and traffic miles to help monitor and minimise the movements to and from sites for the transporting of the workforce and materials;
- 1.1.13 take all reasonable precautions to prevent pollution of air, soils and water, and meet the costs of fully rectifying any pollution caused by the Grantee in accordance with the Polluter Pays Principle;
- 1.1.14 implement an Environmental Management Plan that details the major environmental risks associated with the Deployed Services and the measures adopted to mitigate such risks. The Environmental Management Plan must include details of the identities, roles, responsibilities and experience of those responsible for managing and monitoring the environmental performance of the Grantee;
- 1.1.15 implement measures across the Grantee which seek to minimise water usage;
- 1.1.16 adopt a Sustainable Procurement Strategy that sets standards which are complementary to the Grantee's obligations set out in this Part 2 of Schedule 8;
- 1.1.17 adhere to the commitments of the Welsh Government's Sustainable Development Charter as at January 2017 in the implementation of the Deployed Services.

Part 3

Equal Opportunities, Equality and Diversity and Supplier Development

1. Equal opportunities

- 1.1 The Grantee shall operate a supply chain that helps to increase diversity and helps to expand opportunities for minority businesses.
- 1.2 The Grantee shall consult and engage effectively, openly and publicly with local communities and under-represented groups prior to carrying out any Deployed Services that are likely to have a significant adverse effect on such local communities and under-represented groups. The Grantee shall ensure that all such consultation and engagement and related information is made readily accessible to all sectors and demographics of society.
- 1.3 The Grantee shall practice open and fair recruitment systems including positive provision and support to under-represented groups, complemented by appropriate induction and training processes which shall enable staff to learn quickly and develop new skills.
- 1.4 The Grantee shall, as appropriate, provide specific training to its staff to support:
 - 1.4.1 compliance with statutory requirements, including but not limited to equality training for public-facing staff and training under the Construction (Design and Management) Regulations 2007); and
 - 1.4.2 professional qualifications offered to staff.
- 1.5 The Grantee must have an Equal Opportunities policy that includes positive action measures which specifically support under-represented groups' progress in the work environment. This may include, for example, training, mentoring, job shadowing and secondment.
- 1.6 The Grantee must have an Equal Opportunities policy which includes systems/processes that support flexibility being built into the working environment for employees at key times. This may include, for example, parental leave, carers leave, temporary change of hours / shift patterns, flexible working, adoptive leave, unpaid leave, careers break, time off for key religious times, opportunities to take extended holidays for overseas travel.
- 1.7 The Grantee shall provide to the Welsh Ministers on an annual basis from the first anniversary of the Effective Date an Equal Opportunities Report that will include evidence of how the Grantee has complied with its obligations in this Part 3 of Schedule 8. Each Equal Opportunities Report shall include sufficient detail that allows the Welsh Ministers to determine whether the Grantee has complied with such obligations.
- 1.8 The Grantee shall have dedicated resources with appropriate levels of skill and experience appointed to implement and support the requirements set out in this Part 3 of Schedule 8.

2. Equality and Diversity

- 2.1 The Grantee shall:
 - 2.1.1 perform its obligations under this Agreement (including those in relation to the Deployed Services) in accordance with:
 - 2.1.1.1 all applicable equality Law (whether in relation to race, sex, gender reassignment, age, disability, sexual orientation, religion or belief, pregnancy, maternity or otherwise);

- 2.1.1.2 the Welsh Ministers' equality and diversity policy as provided to the Grantee from time to time; and
 - 2.1.1.3 any other requirements and instructions which the Welsh Ministers reasonably impose in connection with any equality obligations imposed on the Welsh Ministers at any time under applicable equality Law; and
 - 2.1.2 take all necessary steps, and inform the Welsh Ministers of the steps taken, to prevent unlawful discrimination designated as such by any court or tribunal, or the Equality and Human Rights Commission or (any successor organisation).

3. Supply chain and supplier development

- 3.1 The Grantee shall ensure that it and its supply chain comply with the obligations of the Modern Day Slavery Act (2015).
- 3.2 The Grantee shall ensure that its supply chain is free from conflict minerals as detailed in the guidance issued by the UK Government at <https://www.gov.uk/conflict-minerals>.
- 3.3 The Grantee shall ensure that its supply chain adheres to the International Labour Organisation's four fundamental principles and rights at work.
- 3.4 In carrying out the Deployed Services, the Grantee will work collaboratively with the Welsh Ministers' Supplier Development Service to hold regular events and workshops (involving where appropriate its Key Subcontractors) and advertise where reasonably practicable all appropriate new contract tender opportunities in respect of the Deployed Services through the National Procurement Website to help ensure resulting business opportunities are maximised with local suppliers.