

Procurement Equality Assurance Guidance

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1. Introduction

Progress has been made in recent years to overcome the discrimination and inequality that affect individuals' lives and hold our economy and society back. However, there is still much to do and to help speed up the process public authorities have legal duties to consider how they can eliminate unlawful discrimination and promote equality in all that they do – this includes services provided by a third party.

For the last five years Leeds City Council has developed and implemented an approach to equality and diversity that has gone beyond meeting our existing legal duties. The Equality and Diversity Scheme 2008 – 2011 outlines the Council's commitment as an employer, a service provider, a commissioner of services and as a lead partner in the city.

The Scheme seeks to address the different aspects of identity individuals and communities have. These can be based on race, disability, gender, sexual orientation, religion or belief and age. It recognises too that disadvantage experienced by others, such as carers and single parents, is no less significant. Taking full account of these differences, the Leeds approach focuses on:

- the effects organisational barriers can have on a diverse population
- practical ways of removing or reducing those barriers.

Leeds City Council spends millions of pounds every year on contracts with private and voluntary organisations for goods, works and services. All groups in our communities have a right to expect that public money is spent on local services which suit their needs, that it is spent in a way that promotes equality of opportunity and delivers high-quality goods and services.

Equality and Community Cohesion Impact Assessments and Procurement Equality Assurance are tools that help the Council to consider the differing needs of people with a view to promoting equality and eliminating unlawful discrimination.

This guidance is intended to help understand the value of, and how to carry out Procurement Equality Assurance. It also outlines the relationship between Equality, Diversity and Community Cohesion Impact Assessments and Equality Assurance within the procurement process.

2. Inclusion of equality and diversity in procurement

Leeds City Council has:

- clear procedures and guidance written within "Contracts' Procedure Rules" that includes equality and diversity;
- pre-qualification questionnaires that assess the suitability of potential suppliers to be invited to tender, including requiring disclosure of breaches of equality legislation;
- Socially Responsible Procurement Toolkit – used within the pre-procurement procedure to ensure that equality and sustainability impacts are identified and mitigated at the tender scoping stage; and
- Equality Assurance of contract specifications.

3. Equality, Diversity and Community Cohesion Impact Assessments and Procurement Equality Assurance

Equality, Diversity and Community Cohesion Impact Assessments and Procurement Equality Assurance are two processes which help us to put equality, diversity and community cohesion at the heart of everything we do, from strategic decision making to the delivery of front-line services.

Equality, Diversity and Community Cohesion Impact Assessments are a broad tool whilst Procurement Equality Assurance focus specifically on the procurement stages, particularly the contract specification.

By using these processes we are able to:

- identify how services can be improved to meet the needs of existing and potential customers
- ensure that different groups are equally served by our services
- identify where services can be more effective in promoting equality of opportunity and positive attitudes to, and good relations between, different groups.

All of the following need to be considered when using either process:

- People of all ages, particularly, young people and older people
- disabled people, including people with physical or sensory impairments, people with learning difficulties, people with mental health issues and people with long-term health conditions
- lesbians, gay men, bisexual and heterosexual people
- black and minority ethnic people including Gypsies and Travellers, migrant workers, asylum seekers and refugees
- men, women and people who identify as transgender/transsexual
- people with a religion or belief and those with none
- disadvantage can also be experienced by others such as carers and single parents, people who are excluded because of education or skills levels, unemployment or reliance on state benefits, residential location or family background.

3.1 Equality, Diversity and Community Cohesion Impact Assessment

When to impact assess

When you are planning the delivery of a new service or reviewing how an existing service is delivered, you need to take the time to consider whether you need to carry out an Equality, Diversity and Community Cohesion Impact Assessment. For example:

- When a service/ or proposed service impacts on our internal/ external customers;
- When this impact differs for people in different equality communities, for example, because they have particular needs, experiences or priorities;
- Where there are reasons to believe that staff or customers could be affected differently by the service/ or proposed service, according to their equality

community, for example in terms of access to a service, or the ability to take advantage of proposed opportunities;

- When the service/ or proposed service is likely to affect relations between certain equality communities or to damage relations between the communities and the council, for example because it is seen as favouring a particular community or denying opportunities to another; and/ or
- When the service/ proposed service is perceived as impacting on communities differently.

If an Equality, Diversity and Community Cohesion Impact Assessment is required it should be completed:

- at the early stages of the review of an existing service;
- during the development and planning stages for proposing a new service, and
- before the procurement process has started.

Information from the impact assessment should then be used to both inform the service design and the contract specification.

For further information please refer to the Equality, Diversity and Community Cohesion Impact Assessment guidance, available on the Equality Team intranet site.

3.2 Procurement Equality Assurance

When reviewing and developing services which will be delivered by a third party, it is important to ensure that external organisations will act in accordance with and support our legal duties to promote equality and eliminate unlawful discrimination.

Procurement Equality Assurance (see appendix 1) is a way of checking and strengthening the contract specification in relation to equality and diversity.

When to Equality Assure

Equality Assurance of the contract specification can be carried out either

- a) when checking an existing contract specification, or
- b) as part of the contract specification writing process.

Before undertaking a procurement activity, as set out within Contractors' Procedure Rules, the Authorised Officer should complete the Socially Responsible Procurement Toolkit.

The toolkit includes an equality and diversity risk matrix which helps you to establish when equality and diversity is a core requirement of the contract and looks at the likelihood of contact with the public and the potential impact of that contact. (see appendix 2)

Where equality and diversity is a core requirement it must be reflected in the contract specification. Regardless of the monetary value of the contract the specification will

need to be equality assured to ensure that the service in question caters for the needs of all.

High risk services will also warrant contract monitoring with respect to equality and diversity via, for example, customer satisfaction surveys, to establish how well the contract is being delivered and determine whether any particular sector of society is more or less satisfied with the services they have received. This should be highlighted as part of the equality assurance process.

Who to involve

You should involve those who know the service well and those who will be involved in its delivery, for example:

- the owner of the contract and/ or service
- any technical expertise, contract managers etc.
- facilitators who have an understanding of equality and diversity, including equality and diversity contacts from within your directorate or service area

4. Completion of Procurement Equality Assurance

Procurement Equality Assurance consists of a form with questions divided into five areas:

1. Overall summary of the outcome of conducting Procurement Equality Assurance
2. Service Users
3. Staffing
4. Performance Management
5. Communication and Consultation

4.1 General

- As you go through the form you need to consider how each area relates to the existing or proposed contract specification.
- Any actions identified throughout the process should be recorded in the Procurement Equality Assurance form and incorporated into the contract specification before final approval.
- If the equality assurance is being carried out on an existing contract specification you should have this available for reference when completing the equality assurance.
- The Procurement Equality Assurance process may prompt discussion about questions to ask at a later stage in the procurement process.
- Complete all areas within the Procurement Equality Assurance form and where a question is not applicable clearly state this and why.
- Avoid using abbreviations and acronyms as this will help make the form accessible.

4.2 Service Users

- In this section there needs to be clarity about who the service users, or potential service users are. It is not sufficient to indicate that the service is open to everyone without recognition of the diversity of Leeds. Having identified who the users are/ could be, the next stage is to be clear about their needs. This could include, for example, recognition of the need to provide interpretation and how this will be accomplished.
- Where there are potential community cohesion issues, or negative perceptions amongst different groups these need to be addressed. For example, if an initiative/ service is targeted at a specific group/ area there may be potential issues/ negative perceptions for those people who may not directly benefit. The contract specification should outline any actions to be taken to mitigate against these.

4.3 Staffing

- It is important that third party service provider staff and sub contractors have the skills and knowledge they need to provide services to a diverse population. The contract specification should include references to any positive and comprehensive customer care policies and practices that should be in place and appropriate learning and development opportunities in equality and diversity.
- It is also important that third party service providers and sub contractors are able to demonstrate that they have open recruitment practices. This will ensure they will act/ are acting in accordance with and support of our legal duties to promote equality and eliminate unlawful discrimination. This should be included within the contract specification.
- The 2008 Contractors Survey showed that there was disproportionately lower staffing representation in the following areas:
 - Care sector – disabled employees and men
 - Construction/engineering sector – BME employees and women

It would therefore be relevant to include the following question in the contract specification 'What actions would your organisation take to address the under representation of in this sector?'

4.4 Performance Management

- Leeds City Council has a policy that sets out our approach to equality and diversity to make sure everyone can fully join in the social, cultural, political and economic life in Leeds. The expectation that all parties will adhere to this policy will need to be included within the contract specification and could be demonstrated by an organisation including reference to similar policies and practices that they have in place. The policy should clearly indicate who is responsible for integrating equality and diversity and resource allocation.
- If equality monitoring is required this will need to be referenced within the contract specification and will need to state who is responsible for carrying out

and using this monitoring. There needs to be clarity about what is meant by equality monitoring and where/ when this will take place.

- Where equality standards and targets have been identified these will also need to be included within the contract specification and should have clear timescales for achieving them. This should include reports based on the equality monitoring information which has been collected.
- It is important that a service, even when being delivered by a third party or sub contractor, is able to respond to the changing needs of existing and potential customers and strive for continued improvement. The contract specification should include the flexibility of service provision that can respond to change and make improvements. Again, this could be based on equality monitoring information as well as other available performance information.
- The equality and diversity requirements must be explicitly passed through to sub contractors and partners and performance managed.

4.5 Communication and Consultation

- Promotional activities

It is important that the service is promoted to both existing and potential service users from all communities, not just when the service is first established but during its lifetime. Service providers will need to consider the type of promotional activities that will be required, who will be responsible for these activities and will the needs and responsibility change at different times throughout the life of a service.

The contract specification will need to include a requirement to review promotional activities and implement recommendations. This is to ensure that these activities reach all communities.

- Consultation and involvement

Consultation and involvement of all interested parties, particularly existing and potential service users is important for improving services. The contract specification will need to include the minimum standard that would be expected of the particular service and, how they will enable people that are able to represent diverse communities to be consulted and involved.

- Sharing information

Services have a wealth of information about all aspects of their provision. Initially, consideration will need to be given to the type and quantity of information to communicate to existing and potential service users. For example, the minimum people would expect is that they know what standards of customer care they can expect to receive. They do not necessarily require a thirty page document with the standards and how they will be achieved, monitored and improved

All information should be written in plain English as this makes it more accessible to all. Further consideration will need to be given as to the

appropriate style, format and frequency of the information provided. For example,

- providing information in Braille, large print or audio tape and where appropriate in community languages
- providing information in alternative, such as easy-read, using symbols or pictures, or on video or DVD in sign language
- providing British Sign Language and community language interpreters
- arranging one-to-one or drop-in information sharing sessions
- providing briefings or news-sheets rather than reports

5. Actions

When actions have been identified, consider how best to integrate them into the contract specification.

- It might be preferable to be highly prescriptive and specify an output, for example, specifying that equality and diversity monitoring of service users must be carried out.
- Or it could be better to be less prescriptive and specify an outcome, for example, specifying that the service must be delivered to a diverse range of service users. This can be followed up with a question in the method statement asking them to describe how they intend to achieve this outcome.
- Both approaches can be incorporated into the contract management process.

6. Publishing the completed Procurement Equality Assurance Form

Following completion and approval, the Procurement Equality Assurance Form will need to be sent to the Equality Team for publishing on the internet.

7. Further advice

If you have any questions about Procurement Equality Assurance, further advice can be provided by:

- your service/ directorate equality contact
- your service/ directorate procurement contact
- the Equality Team
- the Procurement Unit

Procurement Equality Assurance Questions

Title:
Summary of service:
Officers Present:
Summary of outcomes of conducting Procurement Equality Assurance:

In relation to **Service Users**, does/will the contract specification:

A1 Identify broadly who the users are in terms of different equality groups	Comments: Action:
A2 Identify the needs of different user groups and potential users	Comments: Action:
A3 Ensure that the service covers the needs of different users in terms relevance and accessibility	Comments: Action:
A4 Take account of any potential impact of the service/function on different sectors of the community and good community relations.	Comments: Action:

In relation to **Staffing**, does/will the contract specification:

B1 Check the service is delivered by staff who understand the practical equality and cohesion considerations	Comments: Action:
B2 Influence the contractor, and sub contractors, to employ open recruitment practises	Comments: Action:
B3 Ensures provision of equality awareness training for staff, and sub contractors	Comments: Action:
B4 Include requirements to address any under representation in the sector	Comments: Action:

In relation to **Performance Management**, does/will the contract specification:

C1 Include the need to have an equality policy which reflects the need to embed equality and diversity in employment and service delivery	Comments: Action:
C2 Identify any equality monitoring requirements of users	Comments: Action:
C3 Identify appropriate equality standards and targets	Comments: Action:
C4 Ensure equality and cohesion considerations are taken into account in decision making in relation to resource allocation	Comments: Action:
C5 Identify how improvements/changes are made based on the equality monitoring, consultation and complaints information.	Comments: Action:
C6 Ensure where sub contractors/partners are used they take equality and cohesion considerations into account	Comments: Action:

In relation to **Communication and Consultation** does/will the contract specification:

D1 Review the promotion of the service with a requirement to ensure specific initiatives to reach different diverse community groups	Comments: Action:
D2 Ensure commitment to consultation with all diverse communities	Comments: Action:
D3 Ensure that service users are involved in development/review of the service	Comments: Action:
D4 Identifies information which needs to be passed to users and the methods in which this will be done, to ensure it meets the needs of diverse communities	Comments: Action:

Risk matrix for equality and diversity associated with contracts

When should a specification be Equality Assured? When should equality and diversity be part of contract monitoring? (Hypothetical contract examples are listed in each box).			
↑ High	IT services Communication / PR	Training provider Collection of revenue Meals on wheels	Occupational health Adult services Children's services Information & Advice
Level of customer contact Medium	Corporate Travel Environmental Consultancy services Non-residential highway works	Provision of temporary staff Crowd Control Recruitment services	Housing repairs / refurbishment Transport (escort) Architectural Design
↓ Low	Payroll systems Stationery Utility supplies	Supply of office furniture Maintenance and cleaning Construction with little public contact	Transport (driver) Catering Supply of uniforms
	Low	Medium	High
	← Impact on Communities →		
Action	Do nothing.	Equality Assure Contract Specification.	Equality Assure Specification and ensure robust contract monitoring in equality and diversity.

Useful Contacts

**Directorate/ Service
Equality Support**

Contact your local/directorate Performance Management Team for appropriate support and link to your Directorate/Service Equality Contact.

Procurement Unit

Ian Hodge
Email: ian.hodge@leeds.gov.uk

Telephone: 0113 24 **74084**

Equality Team

Email: equalityteam@leeds.gov.uk

Telephone: 0113 24 **74180**
