

Disability Equals Business

Equalities In Procurement – A Good Practice Guide

Planning and getting started

At the outset of a procurement exercise, organisations may wish to address the need to:

- Ensure that from contract notice and invitation to tender, prospective contractors are made aware of the Contracting Authority's commitment to comply with its statutory duties under equalities legislation when procuring works, goods and services.
- Make contract opportunities available to smaller minority businesses, and the need to advertise contracts so that smaller businesses are aware of the opportunities
- Be ready to manage the risk of contracting with suppliers who have no track record to be explored. This could involve taking account of experience gained outside this country or working with suppliers without long term experience but who can demonstrate capability
- Seek contractors who can demonstrate they understand the needs of diverse communities and equality of opportunity in service delivery and customer care, and who work to reflect diverse communities in their workforce profiles
- Integrate equalities considerations into service delivery by requiring suppliers to provide equally accessible services, and addressing equalities issues in specifications
- Examine the employment policies, procedures and practices of potential contractors to ensure suppliers are not just paying lip service to equality of opportunity
- Determine who will be responsible for evaluating equalities at each stage of the contract
- Provide training on equalities legislation for relevant staff

Equalities in Procurement – Generic Requirements Checklist

Step 1 – Specification - Identifying Equalities			
Aim: To assess the extent to which equalities are a core requirement in the contract for goods, services or works.			
		Yes	No
1.	Is the purpose of the contract to provide services directly to the public?		
2.	Is the provision of goods, services or works by a contractor likely to affect the contracting authority's ability to meet their duty to promote equalities either directly or indirectly?		
3.	Is it necessary to include requirements for promoting equalities in the contract to ensure the contracting authority is able to meet the equality duty?		
4.	For contracts assessed as having a high equalities impact please enter below the equalities requirements that are appropriate for the contract in question?		
5.	<p>If equalities are a core requirement of the contract how will you consult internally and externally on how better to promote equalities and meet the needs of diverse communities?</p> <p>If your organisation has an equalities impact assessment process please refer to it.</p>		

Step 2 – Specification

Aim: To ascertain the breadth and depth of equality assurance detail required in the specification. This will enable clear equalities evaluation criteria to be included in the invitation to tender.

		Yes	No	If no, reasons for non-inclusion
1.	Where relevant have you included clauses on equalities in employment and service delivery?			
2.	Have equalities outcomes been specified where these are likely to achieve the contracting authority's aims?			
3.	Have you considered the need for year on year improved equality outcomes throughout the contract? Have these requirements been clearly specified?			
4.	Have you ensured that in the event of sub-contracting the contractor will take steps to ensure that their sub-contractors meet the requirements of the equalities elements of the specification?			
5.	If equalities is assessed as a fundamental requirement of the contract, have you requested a statement from the supplier describing how they approach diversity within the supply chain?			
6.	Have you asked prospective contractors to complete the Candidate Company Approved Questions? (appendix A)			

Step 3 - Selection

Aim: To ensure that the specified equalities evaluation criteria are taken into account during the selection process and that any concerns raised over a company's equalities standards in the past are followed up.

		Yes	No	If no, why not
1.	Have you checked the answers given to the Candidate Company Approved Questions? (appendix A)			
2.	<p>If a company has disclosed that it has been subject to a tribunal or investigation when answering the Candidate Company Approved Questions this does not automatically disqualify them.</p> <p>However, if they have, are you confident that they have made adequate improvements as a result?</p> <p>Good practices, policies and procedures may have been adopted as a result.</p>			
3.	Where relevant, have you followed up any tribunal findings of discrimination in employment or service delivery and asked what action has been taken as a result of equalities questions contained in the procurement process?			
4.	Have prospective contractors provided adequate evidence and information in accordance with your organisation's scoring system, checklist or quality assurance standards for procurement?			

Step 4 - Tender Evaluation

Aim: To assess submissions against the prioritised equalities requirements included in the specification.

		Yes	No	If no, why not
1.	Have you checked whether there have been any recent changes in equalities legislation which must now be taken into account in addition to those included in the original specification?			
2.	If there have been changes how will these now be taken into account?			
3.	Have you checked prospective contractors' acceptance of the equalities conditions stipulated in the specification?			
4.	Have you evaluated the prospective contractors' proposals for meeting equalities requirements stipulated in the specification?			
5.	Have you evaluated answers to the Candidate Company Approved Questions and the information provided in your organisation's scoring system, checklist or quality assurance standards for procurement?			
6.	Has a de-brief been offered to those who scored badly on equalities in order to improve their understanding of equalities? Have they been directed to sources of further information?			

Step 5 - Contract Management Conditions

Aim: To monitor performance against the equalities conditions stipulated in the contract. To take action when required.

		Yes	No	If no, why not
	Pre-delivery			
1.	Have you got systems in place to monitor and take action if equalities conditions are not met?			
2.	Has a meeting with the contractor been arranged to discuss and check understanding of the equalities conditions in the contract and to agree reporting arrangements?			
3.	Have you considered a voluntary agreement with the contractor for additional equalities measures?			
	During Delivery			
4.	How will the contractor's performance against the equality conditions be monitored throughout the contract?			
5.	Where equalities performance is deemed inadequate, how will you offer help to re-establish satisfactory performance standards?			
6.	At what stage will you invoke default provisions, or warn the contractor that they may not be considered for future contracts?			

Appendix A

Candidate Company Approved Questions

	<i>Question</i>	<i>Response</i>
1.	<p>Do you comply with the statutory obligations under Equalities legislation, which applies in Great Britain, or equivalent legislation in the countries in which your organisation employs staff?</p> <p>Equalities Legislation includes: Equal pay act 1970 Sex Discrimination Act 1975 and its amendment 2003 Race Relations Act 1976, and its amendment 2000 Disability Discrimination Act 1995 and its amendment 2005 Human Rights act 1998 Employment Equality (Religion of belief) and (sexual orientation) regulations 2003 Age discrimination Regulations 2006 (please evidence)</p>	Yes/No
2.	<p>In the last 3 years, has any finding of unlawful discrimination been made against your organisation by the Employment Tribunal, the Employment Appeals Tribunal or any other court? (please evidence if applicable)</p>	Yes/No
3.	<p>In the last 3 years, has your organisation been the subject of formal investigation by the Commission for Racial Equality (CRE), the Disability Rights Commission, (DRC) the Equal Opportunities Commission (EOC) or a comparable body on grounds of alleged unlawful discrimination? (please evidence if applicable)</p>	Yes/No
4.	<p>If the answer to question 2 is yes, or, in relation to question 3, and there has been a finding adverse to your organisation, (please provide details of action to improve.)</p>	
5.	<p>Does your policy on equality and diversity cover the following? Recruitment/Selection Job Adverts Remuneration (pay) Training Promotion/transfer Harassment/victimisation/grievance and discipline Service delivery (please evidence)</p>	Yes/No
6.	<p>Do relevant and appropriate people know about your policy and has it made a difference? (please evidence)</p>	Yes/No
7.	<p>Do you comply with relevant codes of practice, which give practical guidance to employers and others on the elimination of discrimination? For example the CRE and DRC codes of practice for employment, which cover issues including workforce monitoring, positive action recruitment and training opportunities. (please evidence)</p>	Yes/No