



EQUALITY AND DIVERSITY IN PROCUREMENT

A SUPPLIERS GUIDE

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Introduction

Warrington Borough Council's Equality and Diversity policy demonstrates a clear commitment to equality of opportunity for all.

The Council is fully committed to a policy which recognises the rights of individuals to equality of opportunity, equality of access, and freedom from discrimination. We consider these to be fundamental rights and, as a major supplier and service provider in the area, we have a duty to lead on and promote these rights throughout the Borough.

The Council requires that any supplier or contractor doing business with the Council shares this commitment by offering equality of opportunity, and operating in a non-discriminatory manner.

This guide is intended to provide you, as potential or existing suppliers and contractors to the Council, with guidance and advice on how you can meet our requirements on equality and diversity.

Objective of the Guide

To engage our suppliers in demonstrating equalities in employment and service delivery.

To help our suppliers understand the minimum standard they are required to meet as a supplier to the Council, and how to improve those standards beyond that minimum legal requirement.

The Council's Commitment to Equality and Diversity in Procurement

As standard procurement practice, we require that our officers ensure that:-

- equality and diversity are reflected in all our procurement procedures both generally and particularly in areas of procurement activity which impact most on the community.
- that our contractors deliver the right goods, works and services for all our service users.
- that there is no difference in end-user satisfaction rates.
- that they continually encourage and challenge suppliers and contractors to promote equality of opportunity beyond the scope of the contract, and their minimum legal requirements.

We expect all our suppliers and contractors to:-

- share our commitment to promotion of equality and diversity, across the six strands of equality legislation:-
 - age
 - disability
 - gender
 - race
 - faith
 - sexual orientation
- comply with all relevant legislative provisions.
- keep up to date with the current developments and changes in legislation.

- be an effective representative of the Council by respecting the rights of any individual.

Statement of Commitment to Equality and Diversity in Procurement

All suppliers and contractors wishing to do business with the Council are required to complete a statement of Commitment to Equality and Diversity in Procurement.

This Statement can be completed in one of two ways:-

- as a single document - the Statement which is used for general procurement activities (see Appendix 1)
- as part of Section D of the Pre-qualification Questionnaire(PQQ) provided for use in all invitations to tender for contracts exceeding £50,000.

If you are expressing an interest in tendering for a contract and completing a pre-qualification questionnaire, then Section D of the PQQ document will be your statement.

The Statement is based on a series of questions and descriptions of evidence, which have been prescribed by the Secretary of State in respect of Section 18(5) of the Local Government Act 1998. The Council has adopted the questions as a model of good practice and to help us meet our legal obligations.

You will be asked when you express interest in tendering for Council business whether you conform to these requirements. If so required, you may be asked to provide us with the appropriate documentation, including relevant examples of instructions, documents, recruitment advertisements or other literature and promotional material.

The Council's Standard for Equality and Diversity in Procurement

In addition to the above statement, suppliers and providers may also be required to comply with the Council's Standard for Equality and Diversity in Procurement. This asks the supplier to provide evidence of their commitment to equality, and is divided into three levels (the levels are based on a model developed and used by West Midlands Local Authorities and Kirklees Council):-

- Level 1 - Less than 5 employees
- Level 2 - 5 to 49 employees
- Level 3 - 50 or more employees

Details of the minimum criteria and evidence required are found at Appendix 2.

The requirement to meet the Standard will depend on the nature and purpose of each contract, and the standard required will be indicated at the start of the tender or quote exercise.

Suppliers are strongly encouraged to meet the Standard irrespective of the nature of the contract to demonstrate their commitment to equality.

The Council has identified critical areas for the type of contract where suppliers **must** meet the standard:-

- any project identified as "business critical"
- any contract where anticipated costs exceed £50,000
- any contract relating to Social Services provision
- any contract which involves interaction with the public

- any contract where the supplier or their employees will be the "public face" of the Council
- any project which provides a service to a client or group
- recruitment/marketing/communications

This is not a definitive list and there may be additional contracts for which the Standard may be required.

Relevant Legislation

The equality legislation consists the following legislation, all amendments to these Acts and all relevant regulations made under them.:

Sex Discrimination Act 1975;

Race Relations Act 1976;

Race Relations (Amendment) Act 2000;

Race relations Act 1976 (Amendment) Regulations 2003;

Racial and Religious Hatred Act 2006

Special Educational Needs Disability Act 2001;

Disability Discrimination Act 1995;

Disability Discrimination Amendment Act 2005

Employment Equality (Age) Regulations 2006;

Employment Equality (Sexual Orientation) Regulations 2003;

Employment Equality (Religion & Belief) Regulations 2003;

Employment Equality (Sex Discrimination) Regulations 2005

Gender Recognition Act 2004;

Civil Partnerships Act 2004

Equal Pay Act 1970. (amended)

Equality Act 2006

Useful Contacts

The Commission for Racial Equality (CRE)
5th Floor, Maybrook House, 49 Blackfriars Street, Manchester M3 2EG
Tel: 0161 835 5500
www.cre.gov.uk

Commission for Equality & Human Rights (CEHR)
Kingsgate House, 66-74 Victoria Street, London SW1E 6SW
Tel: 020 7215 8415
www.cehr.org.uk

The Low Pay Commission
Ground Floor, 1 Victoria Street, London SW1H 0ET
Tel: 020 7215 5773
e-mail: lpc:lowpay.gov.uk

Disability Right Commission
Arndale House, Arndale Centre, Manchester M4 3AQ
Tel: 0161 958 2000
www.drc-gb.org

Equal Opportunities Commission
Arndale House, Arndale Centre, Manchester M4 3AQ
Tel: 0161 833 6244
e-mail: info@eoc.org.uk

Office of Public Sector Information
www.opsi.gov.uk

ACAS
www.acas.gov.uk

Appendix 1



SUPPLIER STATEMENT OF COMMITMENT TO EQUALITY AND DIVERSITY IN PROCUREMENT

Approved Questions Checklist

1	Do you have written policies in place to ensure that you as an employer and as a service provider comply with your statutory obligations under the equality legislation, which applies to Great Britain, or equivalent legislation in the countries in which you employ staff?	YES	NO
2	Does your equal opportunities policy cover: a) racial discrimination b) gender (sex) discrimination c) disability discrimination d) age discrimination e) discrimination on the basis of sexual orientation f) discrimination on the basis of religious belief	YES YES YES YES YES YES	NO NO NO NO NO NO
3	Does your written equality policy cover: a) Recruitment, selection, training, promotion, discipline and dismissal? b) Victimisation, discrimination and harassment making it clear that these are disciplinary offences? c) The identity of the senior position for responsibility for the policy and its effective implementation?	YES YES YES	NO NO NO

4	<p>Is your policy on equality set out:</p> <p>a) In documents available and communicated to employees, managers, recognised trade unions or other representative groups?</p> <p>b) In recruitment advertisements or other literature?</p> <p>c) In materials promoting your services?</p>	<p>YES</p> <p>YES</p> <p>YES</p>	<p>NO</p> <p>NO</p> <p>NO</p>
5	<p>If you answered NO to any part of questions 3 and 4 please provide list evidence to show how you promote equality in employment and service delivery</p>		
6	<p>In the last three years, has any contract with you or your firm been terminated on grounds of your failure to comply with:</p> <p>Legislation prohibiting discrimination?</p> <p>Contract conditions relating to equality?</p>	<p>YES</p> <p>YES</p>	<p>NO</p> <p>NO</p>
7	<p>In the last three years, has your organisation been the subject of formal investigation resulting in a proven case by the Commission for Racial Equality and or the Equal Opportunities Commission (or other regulatory body) on grounds of alleged unlawful discrimination.</p>	<p>YES</p>	<p>NO</p>
8	<p>If the above formal investigation was proven, what steps did you take in consequence of that finding?</p>		
9	<p>If your organisation is not currently subject to UK legislation, please supply details of your experience in working under your equivalent material legislation which is designed to eliminate discrimination (especially racial discrimination) and promote equality of opportunity.</p>		

10	<p>DECLARATION</p> <p>I certify that the information submitted within this statement is correct. I understand that the information will be used to assess my organisation's suitability to become a prospective supplier to the Council and that information will be held on computer and manually for this purpose in accordance with the Data Protection Act 1998</p> <p>Name:</p> <p>Position:</p> <p>For and on behalf of :</p> <p>Name:</p> <p>Address:</p>
	<p>Please check appropriate level</p> <p>Level not applicable <input type="checkbox"/></p> <p>Level 1 - less than 5 employees <input type="checkbox"/></p> <p>Level 2 - 5 to 49 employees <input type="checkbox"/></p> <p>Level 3 - 50 or more employees <input type="checkbox"/></p>
	<p>Date</p>

Appendix 2

WARRINGTON BOROUGH COUNCIL STANDARD FOR EQUALITY AND DIVERSITY IN PROCUREMENT

LEVEL 1 - less than 5 employees

Organisations with fewer than 5 employees must provide a written assurance that the appropriate standard will be achieved following any recruitment which increases the size of the firm to 5 or more employees. Although no formal assessment will take place, where an organisation has evidence to support an equality/diversity approach this will be welcomed.

LEVEL 2 - 5 to 49 employees

All organisations with between 5 and 49 employees must achieve criteria 1 to 4 listed below.

1. All organisations must provide an equality and diversity policy in respect of race, gender, disability, sexual orientation and age that covers at least:-
 - a. recruitment, selection, training, promotion, discipline and dismissal
 - b. victimisation, discrimination and harassment, making it clear that these are disciplinary offences within the organisation
 - c. identification of the senior position with responsibility for the policy and its effective implementation
 - d. how you communicate the policy to your staff
2. Effective implementation of the policy in the organisation's recruitment practices, to include open recruitment methods such as the use of job centres, careers service or press advertisements.
3. Regular reviews of the policy (at least every 3 years).
4. Regular monitoring of the number of job applicants from different gender, disability, age and ethnic groups (at least annually).

LEVEL 3 - 50 or more employees

All organisations with 50 or more employees must achieve criteria 1 to 4 in Level 2 and the additional criteria 5 to 10 listed below.

5. Provide written instructions to managers and supervisors on equality in recruitment, selections, training, promotion, discipline and dismissal of staff. These can be instructions for general equality and diversity in employment.
6. Provide equality training for managers and any staff responsible for recruitment and selection.
7. In addition to Criteria 4 (Level 2) carry out monitoring annually on the number of employees from different gender, disability, age and ethnic groups by grade when:
 - a. in post
 - b. applying for posts
 - c. taking up training and development opportunities
 - d. promoted
 - e. transferred
 - f. disciplined and dismissed
 - g. leaving employment
8. If monitoring reveals under-representation of groups listed in 7 above. take steps , including positive action to address any imbalances.
9. Regular reporting and consultation on equality issues with the workforce (annually).
10. Mention in the firm's recruitment advertisement and publicity literature that equal opportunity and diversity practices are in place.