



**HYNDBURN**

The place to be  
an excellent council

## **INTEGRATING EQUALITY AND DIVERSITY INTO PROCUREMENT**

### **Guidance Note for the Council Contractors and Suppliers**

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## 1. Overview

The Council has a duty to promote a positive approach to equality throughout Hyndburn. Our procurement process demonstrates our commitment to equality and we want to encourage and support our contractors to achieve good equality practice.

This guide is intended to help potential contractors understand how we have integrated equality into our procurement activities. It gives information and advice on how we will promote equality in the procurement of goods, works and services and what we expect from contractors during the procurement process.

## 2. Why include equality and diversity in procurement?

We want to do our bit to ensure Hyndburn is a cohesive, multi-cultural society in which all differences are valued and celebrated. To achieve this we have committed ourselves to the principles of fairness and valuing diversity.

Each year we enter into contracts worth hundreds of thousands of pounds to buy goods, works and services on behalf of the people of Hyndburn. We think the things we buy should be geared towards the diverse needs and requirements of our community.

In addition, Council spending sustains and maintains a significant number of jobs within the Borough. We have a statutory duty to ensure that public money is spent in a way that ensures value for money and does not lead to unfair discrimination and social exclusion.

Promoting equality in procurement will help us to:

- Improve the overall value for money for the Council in terms of the goods, works and services we purchase
- Improve the quality, responsiveness and appropriateness of our services.
- Ensure that public money is not spent on practices that lead to unfair discrimination to sections of our community.
- Create a diverse and integrated workforce.
- Deliver more responsive and flexible services in combating social exclusion and building stronger and cohesive communities.
- Encourage other organizations to promote and practice the Council's policies on equality.

### 3. Legal Background

Various prohibitions on discrimination on the grounds of race, sex, religion and belief, sexual orientation, age and disability can be found in the legislation (see table below).

At Hyndburn we take a generic approach to equality and we are making every effort to ensure equal treatment in all respects, and not just those areas covered by legislation.

For further information, please see:  
Race Relations Act 1976  
Race Relations (Amendment) Act 2000  
Sex Discrimination Act 1975  
Equal Pay Act 1970  
Disability Discrimination Act 2005  
Equalities Act 2006  
Employment Equality (Sexual Orientation) Regulations 2003  
Employment Equality (Religion/Belief) Regulations 2003  
Employment Equality (Age) Regulations 2006

### 4. Contract Procedure Rules

The Council's procurement activities are governed by its Contract Procedure Rules, which set out the procedures to be followed throughout the procurement process. This guidance is supplementary to the Contract Procedure Rules, which can be found on our website.

It is important to ensure that procurement and equality are appropriately integrated into the procurement process to ensure that:

- Our vision for equality and diversity is reflected in service design, delivery and review
- We meet our statutory obligations in respect of procurement
- Equality and diversity issues are reflected appropriately in our processes and procedures for tendering and procurement
- Community needs are reflected in service design, delivery and review
- Contractors fulfill their own legal obligations in respect of equality, both as employers and service providers, when carrying out work for the Council

### 5. What the Council will do in procuring goods, services and works

We need to be sure that:

- Contractors have no history of discrimination (or if they have, that they have rectified this)
- In appropriate cases, contractors have the capacity to meet the equality standard required to deliver the contract

In our tender evaluation and contracting processes we will take into account a potential contractor's approach to equality in terms of its employment practices and service delivery. We will do this by asking potential contractors relevant questions and evaluating the response to these questions as part of the selection process. We will include appropriate provisions in our contract documents and, if equality is deemed to be a core requirement, performance of the contract will also be monitored to see whether our equality objectives are being achieved.

**What we will do:**

- Our contracts will contain a specific clause on equality.
- When we ask for tenders or quotations we will tell contractors whether the contract is deemed to be relevant to equality and what contractors need to complete as a result.
- If equality is relevant, but not a core requirement, contractors will be required to complete Section A of our Equalities Questionnaire and to submit their supporting documentation (see Appendix 1)
- If equality is relevant and a core requirement, contractors will be asked to complete Sections A and B of the Equalities Questionnaire and to submit their supporting documentation (see Appendix 1).

NB: Appendix 2 gives guidance on how to complete the Equalities Questionnaire

**6. What can you do to promote equality and diversity ?**

All Council contracts require contractors to comply with relevant employment legislation on equality and to provide services fairly, without unlawful discrimination.

If contractors provide services, works or goods that are relevant to our legal duties to promote equality, we may discuss with them how we can support them to put some of the following examples of good practice into action. Any actions we discuss will take into account the size and capacity of their organization.

Such discussions will take place after the contract has been awarded.

- Adopt an equality policy and action plan that sets out their commitment to equality in service delivery.
- Where appropriate, take account of the specific needs of diverse customers, for example, women, men, disabled people, black and minority ethnic people, older

people, young people, faith communities and lesbian, gay, bisexual and transgender people.

- Provide information in community languages and accessible formats.
- Provide accessible services and goods for disabled people, by making reasonable adjustments to meet needs.
- Employ staff with language skills.
- Train staff to be aware of the needs of diverse customers and communities.
- Carry out consultation with customers from diverse groups.
- Monitor service user profiles, customer satisfaction and complaints by ethnicity, gender, disability, age and, where appropriate, faith and sexuality.
- Increase the number of service users from groups or communities who are under-represented
- Report and deal with racist incidents using the Council's racist incident reporting procedure.
- Adapt services to changing community demographics.
- Actively engage and support local community groups and community events.

We may also ask contractors to consider the following employment practices:-

- Adopting an equality policy and action plan for employment.
- Monitoring UK based workforce and applicants for jobs, to check whether they reflect the ethnic backgrounds, gender and proportion of disabled people in the community.
- Stating in job adverts that they are an equal opportunities employer.
- Placing job adverts to reach under-represented groups, to encourage and attract applications for a wider section of the community.
- Taking positive action to recruit under-represented groups such as black and minority ethnic people, disabled people, women or men (as permitted by the Race Relations Act and Sex Discrimination Act ).
- Providing training and apprenticeship opportunities to under-represented groups (as permitted by the Race Relations Act and Sex Discrimination Act).
- Provide equality and diversity training to employees or managers.
- Promote sub-contracting opportunities to organisations that may experience barriers to contracting, such as: small firms; social enterprises; voluntary and community sector organisations; and businesses owned/managed by black and ethnic minority, women and disabled people.

## Appendix One

### Equalities Questionnaire

Section A – Equality relevant but not a core requirement
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[Please tick appropriate box to answer questions and if you wish to provide additional information please attach supplementary sheets, but keep this to a minimum]

1. Do you have 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. Accordingly, do you have policies in place to ensure that you do not discriminate directly or indirectly in breach of equality legislation which applies in Great Britain and legislation in the countries in which you employ staff:

- In relation to decisions to recruit, select, remunerate, train, transfer and promote employees?

Yes

No

- In relation to delivering services?

Yes

No

3. Do you have a written equality policy?

Yes

No

4. Does your written equality policy cover:

- Recruitment, selection, training, promotion, discipline and dismissal?

Yes

No

- Victimisation, discrimination and harassment making it clear that these are disciplinary offences?

Yes

No

- The identity of the senior position for responsibility for the policy and its effective implementation?

Yes

No

5. Is your policy on equality set out:

- In documents available and communicated to employees, managers, recognised trade unions or other representative groups?

Yes

No

- In recruitment advertisements or other literature?

Yes

No

- In materials promoting your services?

Yes

No

If you answered NO to any part of questions 4 or 5 please provide evidence to show how you promote equality in employment and service delivery

If you answered YES to any part of questions 4 or 5, please provide evidence that can support your answers below

6. In the last three years, have any findings of unlawful discrimination been made against you or your firm by the Employment Tribunal, the Employment Appeal Tribunal or any other court or in comparable proceedings in any other jurisdiction?

Yes

No

7. In the last three years, has any contract with you or your firm been terminated on grounds of your failure to comply with:

- Legislation prohibiting discrimination?

Yes

No

- Contract conditions relating to equality?

Yes

No

8. If the answer to question 6 or 7 is YES please provide details below and specify what steps you or your firm have taken as a result (continue on an additional sheet if required)

9. In the last three years, have you or your firm been the subject of formal investigations by the Equalities and Human Rights Commission (or its predecessors (the Commission for Racial Equality, the Disability Rights Commission, the Equal Opportunities Commission)) or a comparable body, on grounds of alleged unlawful discrimination?

Yes

No

10. If the answer to question 9 is YES please provide details below and specify what steps you or your firm have taken as a result (continue on an additional sheet if required)

11. If you are not currently subject to UK employment law please supply details of how you or your firm comply with equivalent legislation that is designed to eliminate discrimination and to promote equality of opportunity (continue on an additional sheet if required)

**Section B – Additional Equalities Questions**  
To be completed when equality is considered a core requirement

12. Are members of your staff with managerial responsibilities required to receive equalities training?

Yes

No

If you have answered YES to question 12, please provide a list of such training (continue on an additional sheet if required)

13. Do you issue your written equality policy to managers and supervisors concerned with recruitment, selection, remuneration, training and promotion?

Yes No

14. Do you have procedures in place to protect members of your staff from unlawful discrimination by other members of staff or by members of the public?

Yes No

If you have answered YES please list the procedures below (continue on an additional sheet if required)

**For firms who sub-contract**

15. Do you require sub-contractors to demonstrate evidence of their equality policies and practices?

Yes No

If you have answered YES, please provide details of what kind of evidence sub-contractors are required to submit (continue on additional sheet if required)

16. If you have any other information regarding your policies on equality and practices that you wish to be considered, including information on work you have done in previous or existing contracts, and references, which cover equalities please detail below (continue on additional sheet if required)

## **Appendix Two**

### **Guidance in answering the Equality Questionnaire**

When completing the questionnaire, all companies must answer each question fully. Failure to fully answer each question required may lead us to consider the answer unsatisfactory.

#### **Section A**

##### Question 1 and 2

If your firm has implemented an effective equality policy, you will be able to answer yes to these questions.

If your firm does not have equality documentation but wish to tender, documentation on templates is available for all contractors to access. You will need to contact the Council Officer who has placed the contract out to tender.

##### Question 3 and 4

To ensure that you can answer these questions confidently you will need to ensure that your policy covers:

- Recruitment, selection, training, promotion, discipline and dismissal
- Victimisation, discrimination and harassment
- Identifies the senior position responsibly for the policy

##### Question 5

###### Documents available and method of communication to staff

You will be required to detail any documents, which explain your firm's policies in respect of recruitment, selection, remuneration, training and promotion outside of the equality policy asked for in Question 3 and 4. You will also need to provide details of how your firm has communicated this document to staff i.e. notice boards or issue individual employees with a copy.

###### In recruitment advertisements or other literature

You will need to provide details that show your firm's commitment to equality in employment and service delivery.

Small firms may not have detailed procedures but you must ensure that evidence is provided which demonstrates that personnel operate in accordance with a written equality policy that includes:

- Open recruitment practices such as using job centres and local newspapers to advertise vacancies
- Instructions about how the firm ensures that all job applicants are treated fairly.

#### In material promoting your services

This relates to how your firm provides information in materials promoting your services e.g. in different languages, making information accessible to people with hearing and visual impairment and physical access for disabled users.

#### Question 6

This question's concern is whether any court or employment tribunal has found your firm guilty of unlawful discrimination in the last three years. It is important to be honest with your answers. The Council may check your responses.

If the answer is yes, you may wish to insert additional information which details the actions your firm has undertaken to prevent a repeat occurrence. Answering yes will not automatically mean that you do not get the contract; you need to ensure that the Council feels confident that you have sufficient measures put in place to prevent a re-occurrence.

#### Question 7

This question's concern is whether your firm has ever had a contract terminated for non-compliance with equality legislation or equality contract conditions.

If the answer is yes, your firm may wish to submit additional information which details the actions you have taken to prevent a repeat occurrence.

#### Question 8

This asks for supplementary evidence to questions 6 and 7 should it be required.

#### Question 9

If your firm has been found guilty of unlawful discrimination, you will need to provide evidence that details the steps your firm has taken to correct the situation. The Court, Employment Tribunal or Equalities and Human Rights Commission (or its predecessors) will have made recommendations about steps your firm should take to eliminate the discrimination. If no action or inadequate action has taken in this respect, only then will your firm be considered for refusal onto the tender list.

#### Question 10

This asks for supplementary evidence if you answered "yes" to question 9. You should provide as much information as you deem necessary.

### Question 11

If your firm is not subject to UK employment law you must ensure that you supply details of equivalent legislation that you adhere to.

## **Section B**

### Question 12

You will need to provide details of the equality training managers have received in your firm. You may wish to submit the training pack and/or evidence of who attended and when.

### Question 13

You will be required to supply details of any documents, which explain your firm's policies in respect of recruitment, selection, remuneration, training and promotion as issued to and used by managers, supervisors, personnel officers etc.

If you are a large firm, you are likely to have detailed procedures for recruiting staff, which may be included in a Code of Practice, which you can mention.

If you are a smaller firm, you may not have such detailed procedures but you should still submit details that provide evidence that personnel operate in accordance with a written equality policy.

### Question 14

This should be detailed in your firm's equality policy. You should detail any complaints procedures or harassment policies and guidelines that your firm has produced.

