

Procurement Strategy EqIA

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This is an Equality Impact Assessment of the Procurement Strategy. Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

The duty to pay 'due regard' is required to be demonstrated in the decision making and the implementation process. Assessing the potential equality impact of proposed projects that are part of the programme is the means by which we show 'due regard'.

1. The Decision

The strategy sets out the new approaches and procurement mechanism to meet these challenges, whilst simultaneously striving to support the local economy by working with smaller and local companies in the process. A parallel commissioning strategy is being developed and procurement will play a critical role in the delivery of this.

2. Key Issues

When buying goods and services the council needs to make sure that the goods and services meet the needs of different users.

Equality outcomes are practical improvements for people who may experience discrimination and disadvantage, and delivering them may help meet a public authority's corporate objectives. For example an equality outcome might be an increase in the proportion of disabled people living in homes suitable for their disability, which would satisfy a corporate objective to support disabled people to live in the local community.

Incorporating equality outcomes, where relevant and in a proportionate way, should be a normal part of designing and specifying a service. It is important that they are considered upfront before the procurement process starts. This will help identify the specific needs of different potential users and allow them to be appropriately reflected in the process. Properly done, this should help you buy better outcomes and therefore achieve value for money, while helping to meet your corporate objectives.

Equality outcomes often overlap with community benefits and are part of the social and economic elements of sustainable procurement.

Equality issues which overlap with 'community benefits' include:

- community cohesion objectives, for example developing strong positive relationships between people of different backgrounds

- targeted recruitment and training, for example to support disabled people into the workplace, or to ensure that women have an equal opportunity to reach senior positions
- equal opportunities training for an existing workforce
- supply-chain initiatives, for example to facilitate the capacity of suppliers to meet equality criteria
- community consultation
- promotion and support of social enterprises or minority businesses
- resources for any number of community initiatives, for example lunchtime social events for elderly people who are at risk of isolation.

Community benefits are a way the Council delivers its broader strategic objectives.

How is the Council fulfilling its duties through this Strategy?

To have 'due regard' means that when making decisions (and in its other day-to-day activities) those procuring must consciously consider the need to: eliminate discrimination, advance equality of opportunity, and foster good relations. This includes when they plan and make decisions about their procurement.

How much regard is due will depend on the circumstances and in particular on the relevance of the aims of the general duty to the decision or function in question. For example, decisions the Council makes about the provision of social care for older people compared to those regarding the purchase of stationery, will have greater potential impact and more relevance to the aims of the duty, and so it will need a higher degree of regard.

The requirement to have due regard needs to be fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Therefore the strategy states that an accurate record showing that they had actually considered the duty.

The PSED is non-delegable. This means that the duty will always remain the responsibility of the organisation subject to the duty. In practice, this may mean that the Council need to ask their suppliers to take certain steps (such as monitoring service users), in order to enable the public authority to meet their continuing legal obligation to comply with the PSED.

Meeting public sector equality duty requirements through the procurement cycle

The public sector equality duty (PSED) is a continuing duty, and the Council should consider potential equality considerations at the different stages of the procurement cycle. Relevance and proportionately are the key guiding principles. Where it is clear that a product or service is likely to have little or no relevance in terms of equality, there is no need to take action beyond some standard clauses in the terms and conditions.

The relevance of equality to the subject matter of the contract will help determine whether it forms part of the specification. Where equality considerations are central to the service they are normally regarded as a core requirement. For example, the

provision of transport for disabled people, domiciliary care for the elderly or childcare facilities are services where equality issues will form part of the core requirements.

Equality considerations may also be relevant where they are not the main requirement of the contract. For example, a contract for providing a web-based service may also specify that the service caters for people who do not speak English as a first language, or those who are visually impaired.

3. Recommendation

Where relevant, the strategy will positively advance equality through assessment point to ensure adjustments are made and specifications seek to develop the principles outlined above.

- It will be for those creating specifications and monitoring contracts to ensure that the council's duties on equality and Human Rights are properly considered.
- The Cabinet Procurement Committee will be responsible to ensure all proposals have been appropriately assessed.
- There must be a clear terms to ensure that a contractor shall undertake or refrain from undertaking such actions as the Council may request, so as to enable the Council to discharge its duty under the Human Rights Act 1998 and Equality Act 2010.