

BRIDGEND COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL PEN-Y-BONT AR OGWR
REPORT TO THE EQUALITIES COMMITTEE

18 JULY 2007

Report on Mainstreaming Equalities into Corporate Procurement

1. Purpose

- 1.1** The purpose of this report is to provide the Equalities Committee with an update on the work being carried out to mainstream equalities into the corporate procurement process.

2. Connection to Corporate Improvement Plan & other Corporate Priorities

- 2.1** This proposal will help mitigate the risk of failure to meet the Authority's statutory duties in respect of equalities that was identified in the Corporate Improvement Plan 2006/09. The proposal will support all of the Authority's corporate priorities, especially supporting our disadvantaged communities and creating a diverse and sustainable economy.

3. Background

- 3.1.1** The authority recognises that it has an important role to play in improving access to services for the whole community it serves. Where services are provided either in partnership with another agency or by a third party on behalf of the Council (including a voluntary organisation), the authority remains responsible for ensuring that all third parties comply with our equality duties, especially on race relations¹ and the Authority's Welsh Language Scheme (1997), which states at paragraph 5.5.2:

“New agreements and arrangements for the provision of services to the public in Wales made between the Council and a third party will conform with the terms of the scheme. These will include - without limitation - services which are contracted out. The Council will ensure through its monitoring arrangements that

¹ See Commission for Racial Equality's *Race Equality and Public Procurement* guide at http://www.cre.gov.uk/publs/cat_duty.html#procure . Also see the Commission for Racial Equality's *Public Authorities and Partnerships* guide at http://www.cre.gov.uk/publs/cat_duty.html

agencies and contractors implement any relevant elements of the scheme when dealing with the public. This will include regular performance reports from contractors and agents.”

3.2 In order to meet the Authority’s statutory duties under the Race Relations (Amd) Act 2000, the Welsh Language Act 1993, the Disability Discrimination Act 2005, the Equality Act 2006 and relevant codes of practices the authority must set out what steps it will take to mainstream equality into its procurement process. This is also a crucial part of achieving the Equality Standard for Local Government in Wales which forms part of the Authority’s Welsh Assembly Government Policy Agreement (local measure 15).

3.3 In addition In October 2005 WAG published new guidance for Local Authorities on the Wales Programme for Improvement (circular 28/2005). This guidance places clear emphasis on equality and sustainability in improvement planning:

“ ...A failure to ensure equality in service delivery, or a failure to meet needs in a sustainable way, is a failure to perform in a fully effective and efficient way.”

(p.5 *WPI Circular 28/2005*)

This guidance includes a requirement that the council should conduct annual assessments of progress towards equality objectives.

4. Current situation / proposal

4.1 The Authority enters into a large numbers of contracts with private and voluntary organisations for goods, works, services and staff. The authority will be responsible for meeting the race, disability and gender general duties in relation to the procurement process. Sometimes the nature of a function which is contracted out will mean that the contractors are themselves carrying out the authority’s function. In such a case, the contractor will also be bound by the race, disability and gender general duties and the authority is responsible for monitoring of such contracts. This means that the authority must build relevant equality considerations into the procurement process, to ensure that the authority is meeting the equality duties in relation to race, disability and gender.

4.2 As part of the procurement review carried out by the Authority we are currently putting in place the following measures, designed to mainstream equalities into the corporate procurement process:

- Ensure that external contractors delivering services on behalf of the Council comply with good practice in equality and

contribute to the aims of the council's statutory equality schemes. Contractors should be able to demonstrate that all reasonably practicable steps are taken to allow equal access and equal treatment in employment and service delivery to all.

- Ensure that relevant government guidance on social or equality issues in procurement is considered when contracting.
- Ensure that equality is appropriately reflected, and given due weight, in the specification, selection and award criteria, and the contract conditions, in a way which is consistent with EC and UK procurement rules
- Include into the authority's vendor appraisal process.
- Develop a monitoring process to ensure compliance by contractors on the authority's approved list.
- Ensure that there is a standard equality clause to be used for all contracts and that this is reflected in Contract Procedure Rules.
- Provide advice and guidance on mainstreaming equality into procurement for relevant staff.
- Ensure that the Procurement Strategy is reviewed to address the equality objectives.

4.2 The aim of the proposal is to put in place relevant and proportionate measures to raise the profile on the Authority's equality duties with contractors and the wider community. Also the measure aim to strike a balance between the administrative burden of meeting the authority's duties, and the benefits in terms of the equality outcomes to be achieved. The main benefits of this approach will be :

- Clear and consistent corporate message on equality and community relations in the procurement process for both contractors and staff
- Identify opportunities to carry out targeted activities linked to the equality duties and the strategic aims of the authority

5 Effect on Policy Framework and Procedure Rules

5.2 The report has no direct effect upon the policy framework or procedure rules but is required to effectively implement the Authority's statutory duties in relation to equalities and human rights.

6 Legal implications

6.1 The proposal contained within this report will help to ensure the effective implementation of relevant equality and human rights legislation.

7 Financial implications

- 7.1** The proposal contained within this report will ensure the efficient use of corporate resources and budgets and help to mitigate any potential legal claims.

7. Recommendation

It is recommended that the Equalities Committee:

- Approve the proposal to mainstream equalities into the corporate procurement process.

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Background papers and legislation:

- Wales Programme of Improvement Guidance for Local Authorities 2005 (Circular 28/2005)
- Sex Discrimination Act 1975 and 1986
- Race Relations Act 1976 and 2000 and 2003
- Welsh Language Act 1993
- Disability Discrimination Act 1995 and 2005
- Government of Wales Act 1998
- Human Rights Act 1998
- Equality Act 2006