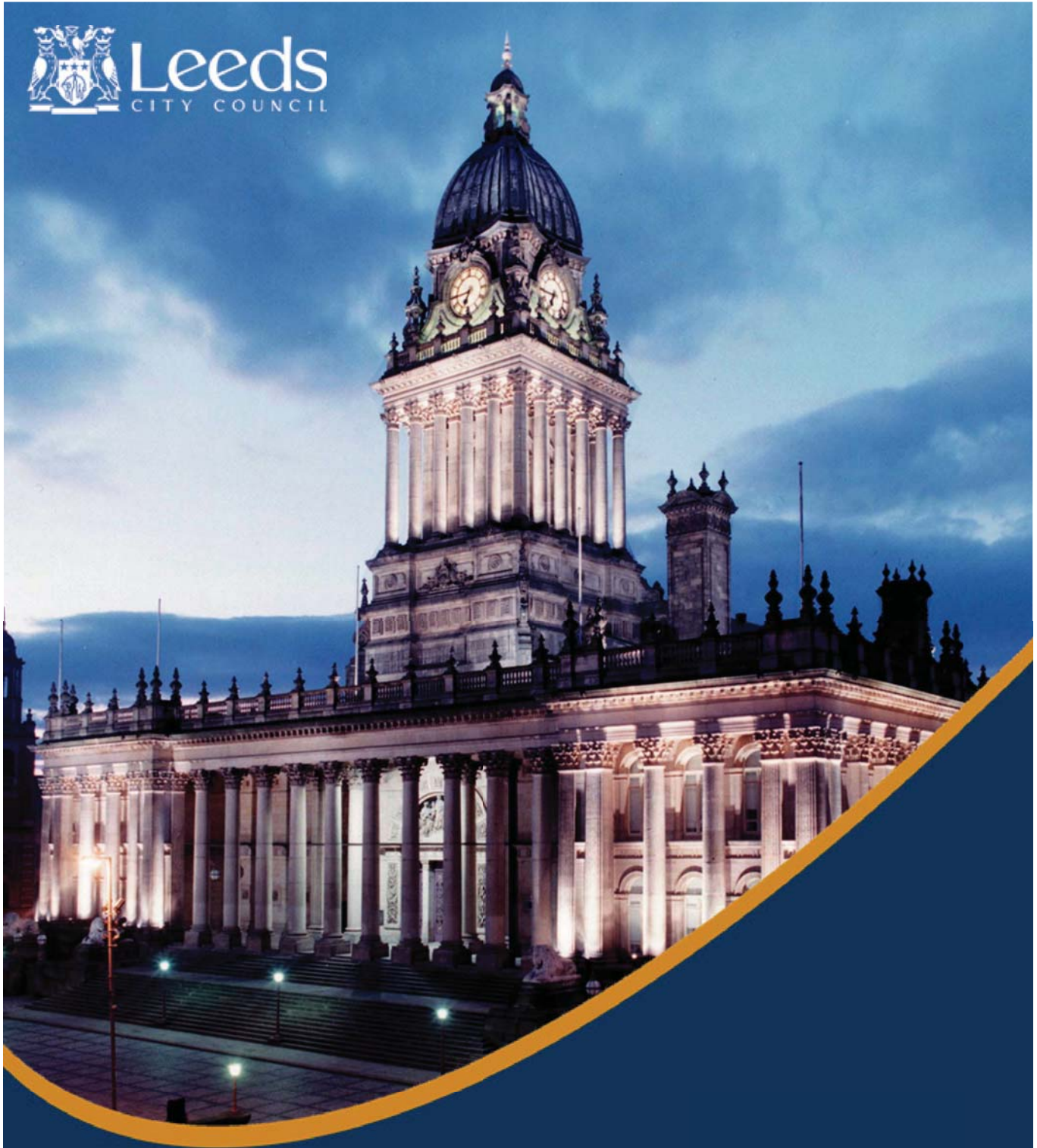




Leeds
CITY COUNCIL



Equality, Diversity and the Procurement Process

A Guide for Contractors, Suppliers and Consultants

Our Values



Looking After Leeds

We are committed to improving the quality of life in Leeds and want to inspire pride in our city and communities. We will work with our partners, build on our successes and protect our city for future generations.



Putting Customers First

We will make sure our services meet the needs of our customers and communities. We will communicate clearly and work hard to find out and respond to our customers' needs. We are committed to providing excellent services that are value for money.



Treating People Fairly

We value the diversity of our communities and strive to ensure that everyone shares in the city's success. We will tackle discrimination and improve access to our services - especially to those with the greatest need.



Valuing Colleagues

We know that the good work of our colleagues is key to providing excellent services. We will support colleagues and encourage them to work creatively.

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Introduction

Leeds is a cosmopolitan city. It is a city of many cultures, languages, races, religions and lifestyles. It is a welcoming city to immigrants and there is a mix of very different neighbourhoods. Despite this there is still evidence of unfair discrimination against people because of their race, faith, age, disability, sex, sexual orientation or lifestyle.

Equality is about treating people fairly and ensuring that we do not unfairly discriminate against particular individuals, groups or communities. Diversity is about understanding that each individual is unique and will have different experiences, expectations and needs.

Leeds City Council spends millions of pounds every year on contracts with private and voluntary organisations for goods, works and services. All groups in our communities have a right to expect that public money is spent on local services, which suit their needs. And that it is spent in a way which promotes equality of opportunity and delivers high quality goods and services. Promoting equality and diversity through procurement is important and it is considered as an integral part of the contract.

Where one or more of the council's functions is carried out by an external contractor, the council remains responsible for ensuring discrimination does not occur. Contractors themselves must not discriminate, but they do not have the same legal obligation to promote equality of opportunity. So the council builds relevant equality considerations into the procurement process to ensure that contractor meet our requirements.

This guidance document explains the different ways that the council addresses equality and diversity issues in the procurement process. If you need further guidance in any of these areas please do not hesitate to contact the Procurement Unit

Section One - How the council can include equality and diversity issues in contracts.

Relevance



This is the starting point when deciding if equality applies to a procurement exercise. Could the delivery of the contract and provision of goods, works or services, result in discrimination occurring, whether direct or indirect? Could there be a different impact on different groups?

Promoting equality will be more relevant to some contracts than others. The more contact there is with people, the greater the risk of discrimination occurring. In assessing relevance the council looks at the overall service; although a technical

function might not, at first glance, seem to have a risk of discrimination, if it involves contact with members of the public discrimination is more likely.

The council will assess the risk that is associated with a contract and establish how much consideration should be given to equality and diversity, not just in the procurement process but also in managing and monitoring the performance of the contract.

Tender Documentation and Equality Assurance



Once the council has decided how relevant equality is we use the contract documents to set out explicitly what we require the contractor to do, or what outcomes we want them to achieve. Quality elements are written into tenders as a means of procuring high quality services that are good value for money. Building equality into the contract is as much about receiving a quality service as it is about preventing discrimination occurring. The more thought that is put into including the equality requirements in the contract the more likely it is that the contractor will meet our expectations.

The requirements can be included in the specification and incorporated into the quality evaluation of the tender. The Procurement Unit has worked with the Equality Team to develop an Equality Assurance process. This is a useful tool that helps council officers to test the quality of the specification, re-assures officers that the specification is fit for purpose, and ensures, as much as possible, that we meet the expectations of diverse service users throughout the period of the contract. The Equality Assurance asks questions about:

- service users
- staffing
- performance management
- communication and consultation

Tender Evaluation



During the tender evaluation process a level of weighting is applied to both 'quality' and 'price'. These vary from project to project and are often influenced by the proportion of service delivery in the contract.

Contractors are asked to describe how they will meet the requirements of the specification and achieve the desired outcomes of the contract. The responses are evaluated by an evaluation panel and the score that they receive can make the difference between winning and losing a contract.

The following table is a real example of a tender evaluation model. Although this is a construction / technical contract it involves installing security packages in people's homes and working with people who are experiencing difficult personal circumstances. Because the contract requires a contractor who is sensitive to the customers needs and who can deliver a high level of customer care, the tender is evaluated on a 60% Quality - 40% Price basis.

The tender is for a service providing security measures to enable customers to stay in their homes. The maximum score for price is 40%, the remaining possible 60% is allocated as follows.

Service Delivery - Maximum 250 points = 25%

1. Please provide your organisation's mission statement or core values.
2. Please demonstrate your organisation's experience of installing security packages in domestic or commercial environments
3. How will your organisation work with service users who may be vulnerable following assault, threats or other harassment?
4. The Service Specification provides timescales for completion of installations. How do you intend to ensure that you have access to sufficient stock to ensure that referrals are fulfilled in a timely manner?
5. How will you ensure a consistent standard of quality across all installations?
6. How will you maintain a robust record of work carried out, and ensure that invoices are submitted to Leeds City Council in a timely manner?

Human Resources Management – Maximum 50 points = 5%

1. How will you ensure that your operatives are inducted and trained to deliver this service to a high standard?

Needs and Risk Assessment – Maximum 50 points = 5%

1. Where Police Officers believe that there could be a risk, they will request that you contact them to arrange for an officer to be in attendance whilst the installation is made. What measures will your organisation put in place to minimise risk to your operatives?

Health and Safety – Maximum 50 points = 5%

1. How will you ensure that all aspects of Health and Safety of your staff and customers are incorporated into service delivery?
2. How will you enable operatives involved in service delivery to access appropriate induction and training in Health and Safety issues?

Protection From Abuse – Maximum 100 points = 10%

1. How will you protect the rights of service users in all aspects of service delivery?
2. How will you ensure service users are treated with respect at all times, and incorporate their well being at the forefront of service delivery?
3. How will you ensure that staff are adequately trained on procedures relevant to all aspects protecting service users and maintaining professional boundaries?
4. How will you ensure that you incorporate robust procedures for dealing with issues of confidentiality and data protection in all aspects of service delivery?

Fair Access and Diversity – Maximum 50 points = 5%

1. How will you meet the needs of service users from all backgrounds in frontline service delivery?

Complaints – Maximum 50 points = 5%

1. How will you effectively manage and respond to complaints
2. How will you ensure the complaints procedure is accessible to customers?

Service user involvement

Putting customers first is at the heart of the values of the council. Service users can be involved in designing, delivering and improving the services they receive. By involving / consulting them we can ensure that goods, works or services are designed around their needs and that these needs are met by the specification of the contract.

Short listing - service users make a great contribution to this process by ensuring the focus on the customers needs is established.

Tender Evaluation - service user involvement is important at this stage because the “customer” perspective is needed to provide balance in the evaluation team during the selection process.

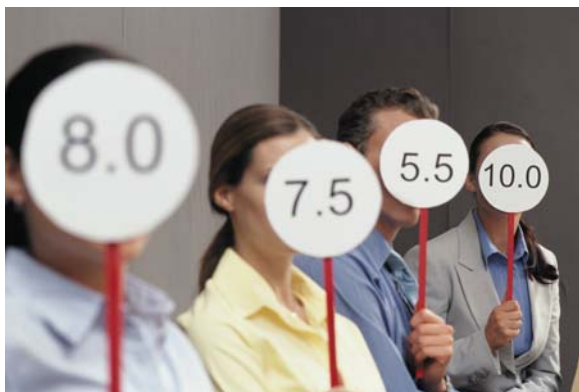
Contract Management - feedback from the service user is crucial when monitoring the performance of the contract.

Post Contract – It is important that we find out if the service users’ involvement in the process was a good experience and if it was carried in a professional and timely manner. Any lessons learned can be incorporated into subsequent contracts.

Contracts

All council contracts that are awarded by the Procurement Unit contain standard terms and conditions relating to discrimination. If requested we can also include special terms and conditions.

Contract Monitoring and Contractor Performance



The success of a project will most likely depend on the relationship between the council and the contractor, and how the council manages, monitors and enforces all parts of the contract.

Steps the Contract Manager may take could include:

- Meeting with the contractor as soon as possible after awarding them the contract.
- Discuss the contractor's responsibility; you will need to make sure the contractor fully understands their equality responsibility in the contract.
- Discuss how you will monitor the contract; explain why you require the information.
- Draw the contractor's attention to the equality clauses in the conditions of contract, and the circumstances that could lead to disciplinary action.
- Arrange site visits and contract review meetings. Ask for tangible evidence that they are meeting your requirements and are complying with the contract terms and conditions.

The council might also encourage the contractor to take on additional activities, to promote equality of opportunity and good community relations. Depending on the nature of the contract, these measures may be wholly voluntary, not form part of the contract, or be enforceable, but could include.

- Adopting an equal opportunities policy for their organisation.
- Monitoring the make-up of their workforce.
- Taking positive action, as permitted by law, to recruit under represented people.
- Promoting subcontract opportunities for small firms and ethnic minority businesses.

The contract manager is requested to rate how well the requirements of the contract have been met by the contractor, including equality, and to submit a Contractor Performance Report to the Procurement Unit. The report can be completed at any time during the contract, or if there were no major problems, at the end of the contract. A low score results in the report being submitted to the Legal and Procurement Decisions group (LAPD) who may decide to closely monitor the firm, or in more serious matters suspended or even ban them from working for the council.

Customer Satisfaction Surveys

As we have already said, service users should be involved in improving the services they receive. We know from experience that the people who use services are experts on how those services should be developed and delivered. As such we fully recognise the importance of involving our service users in terms of 'shaping' our services.



To help the council achieve more detailed performance reporting, that can analyse satisfaction levels by equality strand the Procurement Unit has developed a Customer Satisfaction Survey. The survey standardises the types of equality monitoring questions that are asked when departments monitor a contractor's service delivery; identify if there are differences in satisfaction rates amongst particular groups of people; and enable an enhanced level of contractor performance reporting and contract management in the area of equality and diversity.

Section Two – Other ways the council’s Procurement Unit is addressing equality and diversity issues.

Community benefits



We are committed to working together with local communities and other partners to assist us in achieving the council’s objectives. This can either be achieved by including community benefits as part of the contract, or can be done on a voluntary basis by the contractor.

We have developed a Charter for Procuring Community Benefits as a means of encouraging, recognising and supporting those firms who make valuable contributions to the local community, which aren’t part of the main contract, i.e. voluntarily. Examples of contributions include volunteering, payroll giving and charitable sponsorships. The charter now has it’s own web presence on the internet, for more information please visit http://www.leeds.gov.uk/About_Leeds/Leeds_by_Example/Sign_up_to_the_Community_Benefits_Charter.aspx or [click here](#).

Considerate Constructors Scheme



All council construction contracts are registered with the Considerate Constructors Scheme unless there would be no benefit to the citizens of Leeds.

Leeds City Council currently holds the bronze award (NHS - silver and the Highways Agency –gold) for being a ‘most committed client’ of the scheme and our construction contracts have been consistent award winners throughout the ten years that the scheme has been operating.

There are many examples of contractors providing a higher than satisfactory performance which is over and above what was required in the contract. Some of the objectives of the scheme are:

- Minimise the disturbance and negative impacts on the immediate neighbourhood
- Make positive considerations to the needs of site personnel, visitors, pedestrians, shoppers and neighbours. Special attention is to be given to the needs of those with sight, hearing and mobility difficulties.
- Eradicate offensive behaviour on sites. Lewd or derogatory behaviour and language should not be tolerated under threat of severe disciplinary action.
- Local resources should be used wherever possible.
- Full and regular consultation with the adjacent traders and businesses regarding programming and site activities shall be maintained from pre-start to completion.
- Considerate Constructors will ensure that all site personnel, specialist sub-contractors, drivers and any other persons working on the site, understand and implement the obligations of this Code and monitor their compliance with it.
- Posters relating to the Scheme are displayed around the site, giving names and telephone numbers of the accountable staff.

Leeds City Council Code of Conduct



The Procurement Unit has published a Code of Conduct for organisations delivering works or services on the council's behalf. The code of conduct describes a minimum standard of general conduct that the council expects companies to adopt. We have included the requirement to abide by the Code of Conduct in the council's standard Terms and Conditions and these will form part of all contractual agreements where contracts are awarded by the Procurement Unit.

To download a copy of the Code of Conduct [click here](#).

Supplier Surveys

Companies applying to do business with the council receive equal treatment, regardless of their identity, or perceived identity. Every year we monitor who is doing business with the council. This year we surveyed a random selection of 10,000 suppliers and asked questions about the owners and directors, their recruitment and employment practices, as well as questions about their workforce. The survey provides us with a general overview of the organisations that may be supplying, or would like to supply, goods works and services to the council and also allowed us to take a closer look at different aspects of the supply chain.

- Size of organisation
- Industry / sector
- Those who have a formal relationship with the council
- Location

To read the full results of the survey [click here](#) or visit www.leeds.gov.uk/procurement and then click on "contact us and feedback".

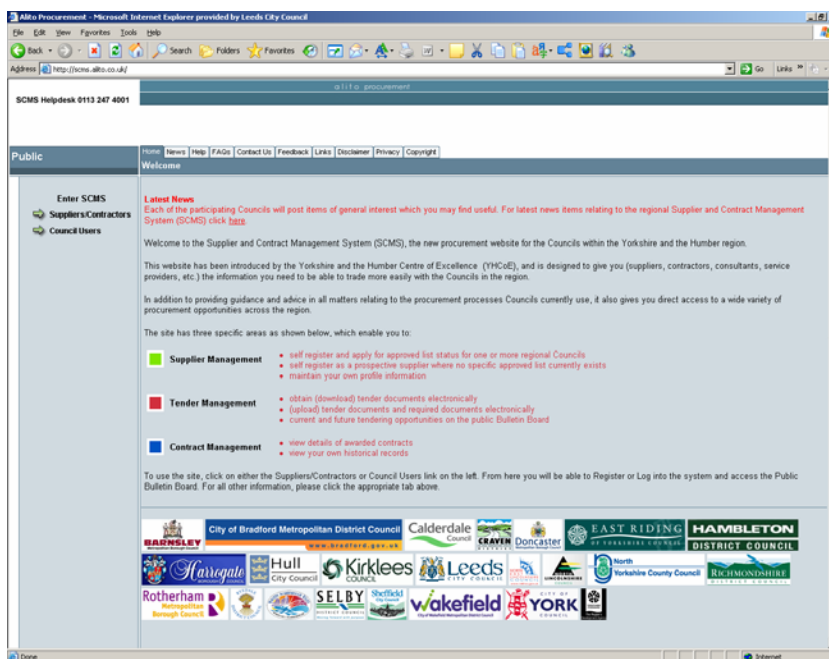
Encouraging Small & Medium Enterprises, Black & Ethnic Minority Run Organisations and Third Sector suppliers



We encourage these groups to apply for tenders through written information, events and working with business support agencies.

- We hold an annual contractor and supplier Open Day.
- We attend other local authorities Meet the Buyer Events.
- We hold events in targeted areas of the city.
- We have signed the SME Concordat.
- We are part of the Compact for Leeds, an agreement made between the council, the third sector and other public sector partners.

Supplier and Contracts Management System (SCMS)



The SCMS allows contractors to identify themselves as falling into one of the following categories. Owned by BMEs, owned or managed by women, owner with a disability, this allows us to identify who is working for the council and supports the annual equality and diversity questionnaire that is sent to all firms working for the council.

PQQ and application form

Under the Local Government Act councils are prohibited from considering non-commercial matters when deciding who a contract will be awarded to. An exception to this was made by the Secretary of State who prescribed six questions which councils could ask regarding race.

These questions have been expanded to include legislation on sex (gender) and disability, and are used in the PQQ and Approved List application form.

G. EQUAL OPPORTUNITIES

<p>G1. Is it your policy as an employer to comply with your statutory obligations under the following legislation?</p> <ul style="list-style-type: none">• Race Relations Act 1976 and all subsequent amendments.• Equal Pay Act 1970 and all subsequent amendments• Sex Discrimination Act 1975 and all subsequent amendments• Disability Discrimination Acts 1995 & 2005• Employment Equality (Religion or Belief) Regulations 2003• Employment Equality (Sexual Orientation) Regulations 2003• Employment Equality (Age) Regulations 2006• Equality Act 2006
<p>G2. Is it your policy as an employer not to discriminate directly or indirectly on grounds of age, gender, disability, ethnic origin, sexual orientation, religion or belief. When making decisions to recruit, select, remunerate, train, transfer and promote employees?</p>
<p>G3. In the last 3 years has any finding of unlawful discrimination been made against your organisation by:</p> <ul style="list-style-type: none">• A court or industrial tribunal• The Commission for Racial Equality• Disability Rights Commission• Equal Opportunities Commission or more recently• The Equality and Human Rights Commission.
<p>G4. If the answer to question G3 is yes, what steps did you take as a result of that finding? <i>(Maximum 150 words)</i></p>
<p>G5. Is your policy on equal opportunities set out in the following?</p> <p>Instructions to those concerned with recruitment, selection, remuneration, training and promotion?</p> <p>Documents available to employees, recognised trade unions or other employee representative groups?</p> <p>In job advertisements or other literature?</p>
<p>G6. Do you follow the recommendations of the Code of Practice on Racial Equality in Employment?</p> <p>The code provides practical guidance on how to prevent unlawful racial discrimination, and achieve equality of opportunity in the field of employment. It helps employers and others who have duties under the employment provisions of the Race Relations Act to understand their responsibilities and rights.</p>

If you would like any further advice, guidance, or have a question about the contents of this guide please do not hesitate to contact Ian Hodge at the address below.

Useful contacts

<p>Leeds City Council Procurement Unit</p> <p>Ian Hodge Procurement Unit 4th Floor West Civic Hall Leeds, LS1 1UR</p> <p>Tel: 0113 24 74084 Fax: 0113 24 74677 ian.hodge@leeds.gov.uk www.leeds.gov.uk/procurement</p>	<p>Leeds City Council Equality Team</p> <p>Ground Floor Civic Hall Leeds, LS1 1UR</p> <p>Tel: 0113 24 74183 Fax: 0113 247 4768 Minicom: 0113 224 3589 www.leeds.gov.uk/equality</p>
<p>The Equality and Human Rights Commission - Main Office</p> <p>Arndale House, The Arndale Centre, Manchester, M4 3AQ</p> <p>Tel: 0161 829 8100 Fax; 01925 884 000 Textphone: 0845 604 6620 info@equalityhumanrights.com www.equalityhumanrights.com</p>	<p>Leeds Disability Helpline [DIAL]</p> <p>The Mary Thornton Suite Armley Grange Drive Leeds, LS12 3QH</p> <p>Tel: 0113 214 3630 Fax: 0113 214 3628 Minicom: 0113 214 3627 dial.leeds@ukgateway.net</p>
<p>Stonewall (equality and justice for lesbians, gay men and bisexuals).</p> <p>Howe Street Tower Building York Road London SE1 7NX</p> <p>Tel: 020 7593 1850 Fax: 020 7593 1877 Minicom: 020 7633 0759 info@stonewall.org.uk www.stonewall.org.uk</p>	<p>Fawcett (The Fawcett Society is a women's equality organisation)</p> <p>1-3 berry street London EC1V 0AA</p> <p>Tel: 020 7253 2598 Fax: 020 7253 2599 info@fawcettsociety.org.uk www.fawcettsociety.org.uk</p>