



London Ambulance Service **NHS**
NHS Trust

LONDON AMBULANCE SERVICE

NHS TRUST

EQUALITY AND INCLUSION IN PROCUREMENT POLICY

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Approval and Acceptance

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1. Overview

This guide Policy has been produced for potential suppliers to help understand how the London Ambulance Service Trust is working towards the integration of equality and inclusion into procurement.

Here we are giving information on how we will promote equality in the procurement of goods, works and services and our expectations from suppliers during the procurement process, in line with best practice and the Equality Act 2010.

2. Equality and Inclusion in Procurement

The London Ambulance Service is committed to valuing diversity and delivering equality for everyone in London, our Equality and Inclusion Strategy sets out the details of this commitment. Please see:

http://www.londonambulance.nhs.uk/working_for_us/equality_and_inclusion/strategy_and_equality_reports.aspx

As a procurer of goods and services we are committed to

- (i) Ensuring the suppliers from whom we procure goods and services are aligned with our equality and inclusion values
- (ii) Actively considering supplier diversity as a key aspect in our contract management

2.1. The role of procurement

Each year the Trust enters into contracts worth several millions of pounds for buying goods and services on behalf of the London community. These goods and services provided to the community must be geared towards their diverse needs and requirements.

Spending by us sustains and maintains a significant number of jobs within our operational boundary and 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.

The promotion of equality and inclusion in procurement will help to:

- (i) Improve the overall value for money in terms of the goods and services it purchase
- (ii) Improve the quality, responsiveness and appropriateness of our services.
- (iii) Ensure that public money is not spent on practices which lead to unfair discrimination
- (iv) Create a diverse and integrated workforce
- (v) Deliver more responsive and flexible services in combating social exclusion and building stronger and cohesive communities.
- (vi) Encourage our suppliers and other organisations to promote and practice the Trusts policy on equality and inclusion.

Through our Procurement Strategy we will aim to ensure not only that our suppliers are appointed fairly but also that there is equality and inclusivity in the provision of our services and that our suppliers in turn also operate equality in employment policies.

Equality and inclusion issues will be addressed through the procurement process in a proportionate way and where they are relevant to the subject matter of the contract or where they relate to the performance of the contract in question.

Equality and inclusion and where relevant will be integral within each stage of the procurement process:

- (i) Planning the procurement of goods/facilities/services
- (ii) Drawing up the contract specification
- (iii) Setting the contract conditions
- (iv) Selecting tenders
- (v) Inviting tender bids
- (vi) Evaluating and awarding the contract
- (vii) Monitoring and managing of the contract

3. Legal background

Under the Equality Act 2010 all public bodies, including NHS Trusts, must show how they have considered the general and specific duties when procuring goods and services.

The Trust expects its Suppliers and contractors to comply with all relevant legislation, and incorporates this as a requirement in all its contracts.

4. Procurement

4.1. Aims

The Trust aims to ensure that equality & inclusion is embedded and absolutely integral to everything we do.

The Procurement Department is committed to ensuring its practices support the Trusts Equality & Inclusion Policy to enable it to meet its duties under the Equality Act 2010.

Specifically, it will look to ensure that the three strands of the Equality Act 2010 General Duty are adhered to.

The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- (i) Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- (ii) Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- (iii) Foster good relations between people who share a relevant protected characteristic and those who do not share it.

As a public body also covered by the specific duties, we will ensure that information relating to people who share a protected characteristic (age, disability, gender reassignment, pregnancy or maternity, marriage or civil partnership, race, religion or belief, sexual orientation) who are employees (for authorities with more than 150 staff) and people affected by our policies and practices (including service users) is published in an accessible way. As part of this commitment, the Procurement Department and its processes will ensure there is a consistent approach to equality and inclusion within all contracts and procurement activity across the Trust.

The Procurement Department will follow the guidance from the Official Government Commerce (OGC) detailed in their document "Make Equality Count" and all subsequent revisions. Available at http://www.ogc.gov.uk/documents/Equalities_Toolkit.pdf and detailed in <http://homeoffice.gov.uk/equalities/>

4.2. Supplier Diversity

The Trust is committed to fostering a supplier base that is diverse and inclusive and aim to ensure that businesses of diverse backgrounds and ownership have the opportunity to become valued suppliers of the Trust.

Ensuring that:

- (i) All of our procurement practices support our Equality and Inclusion Policy and enable us to meet our duties under equality anti-discrimination legislation
- (ii) All contracts we award are non discriminatory and promote equality
- (iii) The suppliers we work with are non discriminatory and share our commitment to promoting equality and inclusion
- (iv) We provide advice, guidance and support to our contractors and potential suppliers so that they can improve their performance and the performance of those they work with

As part of this commitment we have reviewed and changed our procurement processes. This will ensure that there is a consistent approach to equality and inclusion within all contracts and procurement activity and we:

- (i) Include an equality clause in standard documentation on all major contracts for services and works. This requires contractors to comply with the Equality Act 2010 legislation and codes of practice and to provide evidence that they are working to promote equality and inclusion;
- (ii) include an equality clause in the terms and conditions used for goods and related contracts;
- (iii) ask questions in all the Trusts pre tender questionnaire which enable us to assess the arrangements of potential contractors for ensuring they comply with the Equality Act 2010;
- (iv) Include equality requirements in tenders for contracts. These outline the Trusts commitment to equality of opportunity and its expectations of bidders and
- (v) Include specific equality requirements in our evaluation criteria and contracts, where relevant.

5. Process for checking contractors compliance

The extent to which equality and Inclusion policy can be reflected in the procurement process varies depending both on how relevant the equality and inclusion is applied to the individual procurement and at each stage of the procurement process

A basic summary of the procurement and equality and inclusion process is as follows:

- (i) All suppliers will be required to adhere to the Trusts standard terms and conditions, which contain a specific clause on equality and inclusion
- (ii) We will advise suppliers, at the pre-tender stage, whether the quotation or contract is deemed to be relevant to equality and inclusion and what the suppliers need to complete as a result. This is described in Annex 1.
- (iii) Each contract will be given a low, medium or high relevance to equality and Inclusion.

LOW or MEDIUM

- (i) If equality and Inclusion is deemed of low relevance, contractors will be required to complete Section A of the Equalities Questionnaire (see Annex 1).

HIGH

- (i) If equality and Inclusion is deemed to be of high relevance, suppliers will be asked to complete Section A and B of the Equalities Questionnaire (see Annex 1).
- (ii) All contracts deemed to have a core requirement for equality and inclusion will be considered of high relevance and will be required to complete Section A and B of the equalities questionnaire.
- (iii) The successful supplier will be required to submit and complete particular tasks at each contract review session depending on the assessed relevance of the contract to equality (see Annex 1).
- (iv) If equality and inclusion is deemed to be a core requirement, the performance of the contract will also be monitored to see whether our equality and inclusion objectives are being achieved.

5.1. Contract Monitoring

Following the award of a contract we will monitor the performance under the contract against the protected characteristic groups, in line with the Equality Act 2010 six equality strands (age, disability, gender, race, religion or belief and sexual orientation) to make sure the supplier continue to meet our requirements including our equality and Inclusion requirements.

We will monitor this by way of:-

- (i) Sending the supplier a questionnaire to complete and return to us, and/or
- (ii) Arranging site visits to see how the supplier are meeting our requirements in practice, and/or
- (iii) Asking the supplier to provide information that demonstrates your compliance with any specific equality and inclusion clause in your contract with us, including training provided to its employees and/or service user information across protected characteristic groups
- (iv) Asking the supplier to give us equality monitoring information about their workforce across protected characteristic groups, for example the number of employees who are women or who are from black and minority ethnic backgrounds.

6. Annex one - Questionnaire

Equalities and Inclusion Questionnaire

Section A – Compulsory Questions

To be completed by all those contractors invited to Quote or Tender

Section A of this questionnaire must be completed satisfactorily in order for any company to be considered for any quotation or to tender for any Trust contract.

The Equality Act 2010 replaced previous anti-discrimination legislation with a single Act. The Act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. As every person has one or more of the protected characteristics, the Equality Act 2010 protects everyone from unfair treatment. The protected characteristics are:

- (i) age
- (ii) disability
- (iii) gender reassignment
- (iv) marriage and civil partnership
- (v) pregnancy and maternity
- (vi) race
- (vii) religion or belief
- (viii) sex
- (ix) sexual orientation

The Act prohibits unfair treatment in the workplace, in the provision of goods facilities and services, the exercising of public functions, and in the disposal and management of premises, in education and by associations (such as private clubs).

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. Do you have a written equality policy covering all six equality strands (age, disability, gender, race, religion or belief and sexual orientation)?
Yes / No
3. Does your written equality policy cover?
 - o Recruitment, selection, training, promotion, discipline and dismissal?
Yes / No
 - o Victimisation, discrimination and harassment making it clear that these are disciplinary offences?
Yes / No
 - o The identity of the senior position for responsibility for the policy and its effective implementation?
Yes / No
4. Is your policy on equality set out?

- In documents available and communicated to employees, managers, recognised trade unions or other representative groups, including in alternative formats, where requested??
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 3 or 4 please provide or list evidence to show how you promote equality in employment and service delivery

If you answered YES to any part of questions 3 or 4, detail or list evidence that can support your answers below

5. 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).

Section B – Additional Equalities Questions

To be completed when equality and inclusion is considered a core requirement

6. Are members of your staff with managerial responsibilities required to receive equalities training?
Yes / No

If you have answered YES to question 6, please provide a list of such training (continue on an additional sheet if required)

7. Do you issue your written equality policy to managers and supervisors concerned with recruitment, selection, remuneration, training and promotion?
Yes / No

8. 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)

9. 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

10. 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

11. If the answer to question 9 or 10 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)
12. In the last three years, have you or your firm been the subject of formal investigations by the Equality 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
13. If the answer to question 12 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)