

**CARDIFF COUNCIL**  
**Equality Impact Assessment**  
**Corporate Assessment Template**



**Policy/Strategy/Project/Procedure/Service/Function Title: Contract Standing Orders and Procurement Rules**

**New/Existing/Updating/Amending: Updating**

**Who is responsible for developing and implementing the Policy/Strategy/Project/Procedure/Service/Function?**

Name: Liz Weale

Job Title: Solicitor

Service Team: Governance and Legal Services

Service Area: Legal Services

Assessment Date: 20/02/2018

**1. What are the objectives of the Policy/Strategy/Project/ Procedure/ Service/Function?**

Contract Standing Orders and Procurement Rules (CPR) provide a corporate framework for the procurement of all Goods, Services and Works for the Council, including concession contracts. The Council spends in the region of £390 million per annum on the external procurement of Goods, Services and Works. It is therefore important that the Council strategically manages this spend to ensure that it:

- i. obtains value for money and the required level of quality and performance in all contracts let;
- ii. conducts its procurement activity openly, transparently and, where practicable, based on standard approaches and use of common systems that appropriately minimise complexity, cost, timescales and requirements for suppliers;
- iii. complies with all European, UK and Welsh law that governs and/ or relates to the procurement of goods, services and works and the letting of concession contracts;
- iv. meets the principles of the Welsh Government's Wales Procurement Policy Statement (WPPS);
- v. considers all relevant guidance issued by Welsh Government including Procurement Advice Notes and the Code of Practice on Ethical Employment in Supply Chains;
- vi. supports the achievement of the seven well-being goals for Wales as set out in the Well-being of Future Generations (Wales) Act (2015);
- vii. has procurement procedures which, when followed, should protect members and officers of the Council from any allegation of acting unfairly or unlawfully in connection with any procurement by the Council;
- viii. subject to compliance with (iii), has considered, assessed and where practicable mitigated any risks associated with a particular procurement processes and subsequently entering into contracts; and
- ix. achieves the organisational outcomes of the Council's Procurement Strategy (2017-20).

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2. Please provide background information on the Policy/Strategy/Project/Procedure/Service/Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]

The Contract Standing Orders and Procurement Rules (CSOPR) have been updated to reflect:

- EU Procurement Regulations – Public Contract Regulations 2015
- Welsh Language Act
- Welsh Government's - Wales Procurement Policy Statement
- WLGA - Model CSOPR
- Consultation Feedback - Ambassador Working Group and Directorate Workshops

The key changes include:

- **Advertising opportunities:**
  - Above £25,000 for Goods and Services
  - Above £75,000 for Works
- **Changes to Council Thresholds**
  - Tender threshold increased to £25,000 for goods and services and £75,000 for works
  - Below £10,000 service areas need a minimum of 1 quote and be able to demonstrate value for money
- **Welsh Language (Wales) Measure 2011**
  - Clauses added to meet requirements of Standards 76 to 80
- **Community benefits**
  - Mandatory on contracts above £1million
  - Encouraged on contracts below £1million
- **Exceptions to the Rules**
  - Only apply to tenders below EU Thresholds
  - Procurement Manager to issue guidance
- **Contract Management**
  - Improved clarity on role of Contract Manager
- **General Data Protection Regulation - Personal Data**
  - Clarity on obligations
- **E-Procurement**
  - Enhanced use of electronic procurement systems to deliver process efficiencies and increase visibility/transparency in the process.

The Rules will be supported by a range of detailed policies, procedures and guidance that will be issued by the Procurement Manager. Extensive training will be rolled out across all Directorates to support compliance.

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### 3 Assess Impact on the Protected Characteristics

#### 3.1 Age

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative/]** on younger/older people?

|                | Yes | No | N/A |
|----------------|-----|----|-----|
| Up to 18 years | x   |    |     |
| 18 - 65 years  | x   |    |     |
| Over 65 years  | x   |    |     |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

The CSOPR and the Community Benefits clauses in particular will deliver a differential impact through the following priorities:

**The Local Training & Employment** focuses on employment and training opportunities for local people in order to reduce unemployment and raise the skills level of our local workforce, especially in target groups such as long term unemployed. In delivering this, the Council's Into Work Service will play a central role in working with contractors to meet their requirements and supporting people in any work placements.

As set out in Q2, a range of more detailed policies and guidance will support the CSOPR, including the Council's Socially Responsible Procurement Policy. The Council will now be looking to include Fair Work Practice questions in relevant tender documentation as it seeks to roll out its commitments under the Code of Practice: Ethical employment in supply chains. The Council is also looking to implement a child rights approach in its commissioning processes.

**What action(s) can you take to address the differential impact?**

In line with the CSOPR community benefits clauses a Socially Responsible Procurement Delivery Plan template will be included in all contracts above £1m and its use encouraged in all other contracts. The template includes a list or menu of the community benefits that the Council wants to see delivered through its contracts structured around the six priorities of the Socially Responsible Procurement Policy. Those submitting tenders will make their "offer" and the successful tenderer will have their "offer" built into the contract. They will include:

**Through Local Training and Employment priority we are committed to:**

- Require bidders for contracts worth over £1m to make a commitment to provide employment and training opportunities
- Encourage our contractors to create more opportunities for apprenticeships, work placements and jobs.
- Work in partnership with employers, training providers and employment

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services to promote and co-ordinate access to local employment and training opportunities

- Seek opportunities to work with Primary and Secondary schools through the "Cardiff Commitment" to equip young people of Cardiff with the right skills to match the requirements of the labor market
- Maximise benefit from the City Deal and other major development opportunities to create employment and training.
- In line with Cardiff Commitment encourage suppliers and contractors to work with schools and colleges, offering work experience and business awareness to students and NEETs, especially those from disadvantaged areas or communities.

**Through Partners in Communities priority we are committed to:**

- Make a local impact by improving local facilities and areas and by encouraging our suppliers to operate paid staff volunteering schemes
- Promote volunteering and social action through the Cardiff Volunteer Centre, Volunteering Wales website and the Cardiff Volunteer Portal.
- Make opportunities, both directly from the Council and through our contractors, accessible to a diverse supply base including the third sector, social enterprises and local suppliers and provide mentoring and support to assist these organisations to tender for and deliver these supply opportunities where necessary.
- Help to support the health and wellbeing of communities in which the business operates by for example linking local businesses and residents' groups to help run or sponsor activities / events, which will directly benefit those living there.
- Promote diversity, inclusion, equality and fairness – target effort towards those in greatest disadvantage and tackle deprivation across the city.

**Through Promoting Wellbeing of Young People and Vulnerable Adults priority we are committed to:**

- Help make communities places where all citizens, including the most vulnerable, feel safe, and are able to have their voices heard and their rights promoted through the implementation of a Child Friendly City and Dementia Friendly City approach.
- Provide safeguarding advice and guidance.
- Ensure contractors are able to identify abuse or exploitation and take responsibility for reporting concerns in an appropriate and timely way.
- Ensure that all suppliers of care and support services that the Council purchases for its service users must have the necessary safeguarding policies, procedures and training in place and where required, be registered where appropriate registration body.
- Encourage contractors to promote and sponsor opportunities for children and adults who are in need of care and support i.e. events for carers.

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**Through Ethical employment in supply chain we are committed to:**

- Implement and embed the Code of Practice: Ethical Employment in Supply Chains through tackling modern slavery, human rights abuses, blacklisting, false self-employment, unfair use of umbrella schemes and zero hours contracts
- Encourage our suppliers and contractors to become accredited Living Wage employer through promoting the Cardiff Council 'Real' Living Wage Accreditation Support Scheme.
- Organise employer workshops to promote the Living Wage, initially targeted at the construction sector
- Build a scored Fair Work Practices question into relevant tender documents to include section on Living Wage, unfair use of umbrella schemes, zero hour contracts and False Self-Employment Practices

### 3.2 Disability

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on disabled people?

|   | Yes | No | N/A |
|---|-----|----|-----|
| Hearing Impairment                        | x   |    |     |
| Physical Impairment                       | x   |    |     |
| Visual Impairment                         | x   |    |     |
| Learning Disability                       | x   |    |     |
| Long-Standing Illness or Health Condition | x   |    |     |
| Mental Health                             | x   |    |     |
| Substance Misuse                          | x   |    |     |
| Other                                     | x   |    |     |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

As above in 3.1 – the close engagement of the Council's Into Work Service in working with contractors on larger contracts to deliver training and employment opportunities should support positive action.

**What action(s) can you take to address the differential impact?**

As above in 3.1.

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**3.3 Gender Reassignment**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on transgender people?

|   | Yes | No | N/A |
|---|-----|----|-----|
| <b>Transgender People</b><br>(People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex) | x   |    |     |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

**Ethical employment in supply chains priority** employs the highest ethical standards in our own operations and those within our supply chain.

**What action(s) can you take to address the differential impact?**

Encourage suppliers and contractors to have flexible working practices, LGTB / Gender reassignment friendly work policies which are inclusive in their equality training.

**3.4. Marriage and Civil Partnership**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on marriage and civil partnership?

|                   | Yes | No | N/A |
|-------------------|-----|----|-----|
| Marriage          |     |    | x   |
| Civil Partnership |     |    | x   |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

No impact on Marital status.

**What action(s) can you take to address the differential impact?**

**3.5 Pregnancy and Maternity**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on pregnancy and maternity?

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|           | Yes | No | N/A |
|-----------|-----|----|-----|
| Pregnancy | x   |    |     |
| Maternity | x   |    |     |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

**The Local Training & Employment priority** focuses on employment and training opportunities for local people in order to reduce unemployment and raise the skills level of our local workforce, especially in target groups such as long term unemployed and people returning to the employment market

**Ethical employment in supply chains priority** employs the highest ethical standards in our own operations and those within our supply chain.

**What action(s) can you take to address the differential impact?**

As above in 3.1

### 3.6 Race

Will this Policy/Strategy/Project//Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

|   | Yes | No | N/A |
|---|-----|----|-----|
| White                                       | x   |    |     |
| Mixed / Multiple Ethnic Groups              | x   |    |     |
| Asian / Asian British                       | x   |    |     |
| Black / African / Caribbean / Black British | x   |    |     |
| Other Ethnic Groups                         | x   |    |     |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

**The Local Training & Employment priority** focuses on employment and training opportunities for local people in order to reduce unemployment and raise the skills level of our local workforce, especially in target groups such as long term unemployed.

**Ethical employment in supply chains priority** employs the highest ethical standards in our own operations and those within our supply chain.

**What action(s) can you take to address the differential impact?**

As above in 3.1

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**3.7 Religion, Belief or Non-Belief**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on people with different religions, beliefs or non-beliefs?

|           | Yes | No | N/A |
|-----------|-----|----|-----|
| Buddhist  |     |    | X   |
| Christian |     |    | X   |
| Hindu     |     |    | X   |
| Humanist  |     |    | X   |
| Jewish    |     |    | X   |
| Muslim    |     |    | X   |
| Sikh      |     |    | X   |
| Other     |     |    | X   |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

No impact on Religious beliefs.

**What action(s) can you take to address the differential impact?**

**3.8 Sex**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on men and/or women?

|       | Yes | No | N/A |
|-------|-----|----|-----|
| Men   | X   |    |     |
| Women | X   |    |     |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

**The Local Training & Employment priority** focuses on employment and training opportunities for local people in order to reduce unemployment and raise the skills level of our local workforce, especially in target groups such as long term unemployed.

**Ethical employment in supply chains priority** employs the highest ethical standards in our own operations and those within our supply chain.

**What action(s) can you take to address the differential impact?**

As above in 3.1



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**3.9 Sexual Orientation**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

|                       | Yes | No | N/A |
|-----------------------|-----|----|-----|
| Bisexual              | X   |    |     |
| Gay Men               | X   |    |     |
| Gay Women/Lesbians    | X   |    |     |
| Heterosexual/Straight | X   |    |     |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

**Ethical employment in supply chains priority** employs the highest ethical standards in our own operations and those within our supply chain.

**What action(s) can you take to address the differential impact?**

Encourage suppliers and contractors to have flexible working practices, LGTB / Gender reassignment friendly work policies which are inclusive in their equality training.

**3.10 Welsh Language**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on Welsh Language?

|                | Yes | No | N/A |
|----------------|-----|----|-----|
| Welsh Language | X   |    |     |

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

The CSOPR includes a range of clauses to ensure compliance with the Welsh Language Act. The Rules state that any invitations to tender may be submitted in Welsh and any tenders submitted in Welsh will be treated no less favourably.

**What action(s) can you take to address the differential impact?**

As above.

**4. Consultation and Engagement**

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What arrangements have been made to consult/engage with the various Equalities Groups?

Consulted with:

- Audit Committee
- Directorates
- Ambassador Networking Group

### 5. Summary of Actions [Listed in the Sections above]

| Groups   | Actions |
|--|---------|
| Age  |         |
| Disability   |         |
| Gender Reassignment  |         |
| Marriage & Civil Partnership                                 |         |
| Pregnancy & Maternity  |         |
| Race   |         |
| Religion/Belief  |         |
| Sex  |         |
| Sexual Orientation   |         |
| Welsh Language   |         |
| Generic Over-Arching<br>[applicable to all the above groups] |         |

### 6. Further Action

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area's Business Plan to be monitored on a regular basis.

### 7. Authorisation

The Template should be completed by the Lead Officer of the identified Policy/Strategy/Project/Function and approved by the appropriate Manager in each Service Area.

|   |                |
|---|----------------|
| Completed By : John Paxton                              | Date: 21/02/18 |
| Designation: Strategy and Development Officer / Manager |                |
| Approved By: Liz Weale                                  | Date: 22/02/18 |
| Designation: Solicitor                                  |                |
| Service Area: Governance and Legal Services             |                |

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7.1 On completion of this Assessment, please ensure that the Form is posted on your Directorate’s Page on CIS - *Council Wide/Management Systems/Equality Impact Assessments* - so that there is a record of all assessments undertaken in the Council.

For further information or assistance, please contact the Citizen Focus Team on 029 2087 3059 or email [citizenfocus@cardiff.gov.uk](mailto:citizenfocus@cardiff.gov.uk)