

CARDIFF COUNCIL
Equality Impact Assessment
Corporate Assessment Template



Policy/Strategy/Project/Procedure/Service/Function Title:

Procurement Strategy 2017-2020

New/Existing/Updating/Amending: Amending

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

Name: Steve Robinson

Job Title: Head of Commissioning & Procurement

Service Team: Commissioning & Procurement

Directorate: Resources Director

Assessment Date: 22nd December 2016

1. Aims and Objectives

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

The Council spends over £380 million a year procuring a diverse range of goods, services and works, in such areas as construction and building maintenance, social care contracts, facilities management and ICT.

The Council has a responsibility to manage public money with probity and in accordance with legislation to ensure that value for money is delivered. This Strategy sets out the Council's key procurement priorities through to 2020 and the key changes that it will make to improve the management of its external spend on goods, services and works. The Strategy includes a strong commitment to maximise the community benefits delivered through Council contracts.

2. Background Information

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.]

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The Strategy builds on the success of the previous Commissioning & Procurement Strategy which transformed how the Council delivered procurement through the adoption of a category management approach. This Strategy is built around delivering 4 organisational outcomes:

- Delivering Social Wellbeing
- Ensuring Effective Governance
- Maximising Value for Money and Efficiency
- Delivering innovation.

The Delivering Social Wellbeing outcome sets out a range of actions that will be taken to deliver social value:

- Implement the **Wellbeing of Future Generations Wales Act**, including the incorporation of Community Benefits into all suitable contracts.
- Implement the Welsh Government's **Code of Practice – Ethical Employment in Supply Chains**.
- Work with partners to support **local businesses and SMEs** to access tender opportunities.
- Develop a **Social Responsibility Charter** and encourage contractors, suppliers, providers and partners to adopt the Charter.
- Work to encourage suppliers, contractors and providers to pay their staff the **Living Wage**.

The delivery of these actions should have a positive impact on many of the groups covered by the Equality Act (2010).

The Strategy is shaped by a range of legislation from Europe, UK and the Welsh Government, including the Equality Act (2010) and will be underpinned by a Delivery Plan together with a range of policies and procedures. These reflect the Public Sector Equality Duty (PSED) placed on the Council to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not.

In relation to the Procurement Strategy the Equality Act (2010) duties will primarily be delivered by underpinning documents, policies and procedures where the detailed requirements and actions will be set out. The Council policies and procedures ensure that the relevance of equality to the contract is assessed to determine whether it is included as a contract condition. The aim is to ensure that the Council implements a proportionate approach to its equalities duties. Where equalities are the subject matter of the contract it will be included as a core requirement. A key document is the

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Procurement Plan which needs to be completed for all tenders over £150,000, it contains a question that asks those considering the procurement whether and EIA needs to be undertaken. Relevant clauses are built within tender documentation and contracts for all contracts. The Council uses the Welsh Government's SQuID question set as the starting point for developing tender questions, there are 3 equalities questions that are typically used. In addition, the Council has developed a Self-Declaration Form to make it easier for SMEs to tender for Council contracts under £100,000, this includes the following mandatory equality question:

Has your organisation had any of the following circumstances applied to them in the last 3 years?

- a finding of unlawful discrimination by an Employment Tribunal, an Employment Appeal Tribunal or any other court or tribunal (or in comparable proceedings in jurisdiction other than the UK).
- following formal investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in a jurisdiction other than the UK), a complaint of unlawful discrimination has been upheld
- a finding of unlawful discrimination against anyone with protected characteristics has been made against your organisation by any civil or criminal court (or a comparable body in a jurisdiction).

In terms of construction related projects equality issues will be considered during the design/planning stage, for social care related projects an Equality Impact Assessment will be undertaken early in the planning process.

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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	✓		
18 - 65 years	✓		
Over 65 years	✓		

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

The increased focus on delivering community benefits through Council contracts should have a positive impact, through work placements, apprenticeships, graduate training. There will also be opportunities for people to be engaged in the delivery of community benefits through projects in their own community. Contractors and suppliers will also go into schools and colleges to highlight the range of careers that are available.

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

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	✓		
Physical Impairment	✓		
Visual Impairment	✓		
Learning Disability	✓		
Long-Standing Illness or Health Condition	✓		
Mental Health	✓		
Substance Dependence	✓		
Other	✓		

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

In general terms it is believed that the Procurement Strategy will have a positive differential impact. It is likely to have a positive impact on all groups as the EIA undertaken as part of the tendering process will ensure that their needs and opportunities are considered, there should also be opportunities through the delivery of community benefits. This will be addressed in detail during the EIA that will be undertaken during specific procurements.

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

Ensure that EIA's are undertaken for contracts that can impact on this cohort.

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
Transgender People (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)	✓		

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

In general terms it is believed that the Procurement Strategy will have a positive differential impact. It is likely to have a positive impact as the EIA undertaken as part of the tendering process will ensure that needs and opportunities are considered, there should also be opportunities through the delivery of community benefits. This will be addressed in detail during the EIA that will be undertaken during specific procurements.

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

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?

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	Yes	No	N/A
Marriage	✓		
Civil Partnership	✓		

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

In general terms it is believed that the Procurement Strategy will have a positive differential impact. It is likely to have a positive impact as the EIA undertaken as part of the tendering process will ensure that needs and opportunities are considered, there should also be opportunities through the delivery of community benefits. This will be addressed in detail during the EIA that will be undertaken during specific procurements.

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?

	Yes	No	N/A
Pregnancy	✓		
Maternity	✓		

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

In general terms it is believed that the Procurement Strategy will have a positive differential impact. It is likely to have a positive impact as the EIA undertaken as part of the tendering process will ensure that needs and opportunities are considered, there should also be opportunities through the delivery of community benefits. This will be addressed in detail during the EIA that will be undertaken during specific procurements.

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

3.6 Race

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

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

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

In general terms it is believed that the Procurement Strategy will have a positive differential impact. It is likely to have a positive impact as the EIA undertaken as part of the tendering process will ensure that needs and opportunities are considered, there should also be opportunities through the delivery of community benefits. This will be addressed in detail during the EIA that will be undertaken during specific procurements.

The Procurement Strategy will promote fair working practices and the Council is a Living Wage employer. We will be looking to encourage our contractors and suppliers to pay the Living Wage too, this should have a positive impact on Black Minority & Ethnic people in lower paid jobs.

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

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	✓		
Christian	✓		
Hindu	✓		
Humanist	✓		
Jewish	✓		
Muslim	✓		
Sikh	✓		
Other	✓		

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

In general terms it is believed that the Procurement Strategy will have a positive differential impact. It is likely to have a positive impact as the EIA undertaken as part of the tendering process will ensure that needs and opportunities are considered, there should also be opportunities through the delivery of community benefits. This will be addressed in detail during the EIA that will be undertaken during specific procurements.

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	✓		
Women	✓		

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

In general terms it is believed that the Procurement Strategy will have a positive differential impact. It is likely to have a positive impact as the EIA undertaken as part of the tendering process will ensure that needs and opportunities are considered, there should also be opportunities through the delivery of community benefits. This will be addressed in detail during the EIA that will be undertaken during specific procurements.

The Council is a Living Wage employer and we will be looking to encourage our contractors and suppliers to pay the Living Wage too. This could have a particularly positive impact on women in lower paid jobs, such as cleaning and catering.

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

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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 people?

	Yes	No	N/A
Bisexual	✓		
Gay Men	✓		
Gay Women/Lesbians	✓		
Heterosexual/Straight	✓		

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

It is not believed that the Procurement Strategy will have a differential impact.

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

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	✓		

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

The Welsh Language Standards 75 to 80 relate to procurement and are addressed in the policies and procedures that support this Strategy. All the Commissioning & Procurement Team have received Guidance on this matter

17 Standards relating to a body awarding contracts

Standard 76: Any invitations to tender for a contract that you publish must be published in Welsh, and you must not treat a Welsh language version of any invitation less favourably than an English language version.

You must comply with standard 76 in the following

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	<p>circumstances: (a) If the subject matter of the tender for a contract suggests that it should be produced in Welsh, or (b) If the anticipated audience, and their expectations, suggests that the document should be produced in Welsh.</p>
Standard 77:	When you publish invitations to tender for a contract, you must state in the invitation that tenders may be submitted in Welsh, and that a tender submitted in Welsh will be treated no less favourably than a tender submitted in English.
Standard 77A:	You must not treat a tender for a contract submitted in Welsh less favourably than a tender submitted in English (including, amongst other matters, in relation to the closing date for receiving tenders, and in relation to the time-scale for informing tenderers of decisions).
Standard 79:	<p>If you receive a tender in Welsh and it is necessary to interview the tenderer as part of your assessment of the tender you must—</p> <p>(a) offer to provide a translation service from Welsh to English to enable the tenderer to use the Welsh language at the interview, and</p> <p>(b) if the tenderer wishes to use the Welsh language at the interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).</p>
Standard 80:	When you inform a tenderer of your decision in relation to a tender, you must do so in Welsh if the tender was submitted in Welsh.
What action(s) can you take to address the differential impact?	

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4. Consultation and Engagement

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

Corporate Equality Team have supported in the development of this EIA and we will look to continue to engage with the Team as we develop the underpinning Delivery Plan and other documents.

5. Summary of Actions To Be Taken [from the Actions listed in the Sections above]

These actions should be included in your Directorate's Equality Action Plan for the year, monitored on a regular basis and reported in your Directorate Equality Annual Report.

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

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6. ACTIONS TO BE CONSIDERED IN THE FUTURE

List here any actions that you could not take in the immediate future, but which have arisen as issues to be considered for future service developments

The Strategy will further commit the Council to the delivery of community benefits through Council contracts. A Community Benefits Board has been established to ensure a corporate approach is taken and it is scheduled to consider a paper on developing a Social Responsibility Charter in early 2017. The Charter would be a set of guiding principles to which the City of Cardiff Council will adhere to and to which it invites its contracted suppliers, the wider business community, other public sector bodies (including schools) and third sector organisations (including grant recipients) to adopt. It is anticipated that the themes of the Charter will be:

- Local Employment
- Buy Cardiff First
- Partners in Communities
- Good Employer
- Green and Sustainable
- Ethical Procurement

If adopted the Charter will have a positive impact on groups covered by the Equality Act 2010.

In addition, we will:

- Work with the Equality Team to provide some refresher EIA training could be provided for procurement officers to enable them to identify where positive / negative impacts can be pre-empted.
- Update the Council website to provide details of the Council's equality policies such as Strategic Equality Plan, Equal Opportunities Policy Statement for those considering applying for a contract

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:
Designation: Strategy & Development Manager	22 nd December 2016
Approved By: Steve Robinson	
Designation: Head of Commissioning & Procurement	
Service Area: Commissioning and Procurement	

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- 7.1 On completion of this Assessment, please send it to equalityteam@cardiff.gov.uk, who will publish it on the Council's Website.

For further information or assistance, please contact the Equality Team 029 2087 2536 or email equalityteam@cardiff.gov.uk.