

# Public Procurement Guide to Equality



**A brief guide to the Equality Act 2010**



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The Equality Act and its' Codes of Practice will have dramatic and significant effect on Public Bodies, their suppliers and sub contractors. All organisations and employers in the UK will be effected but the specific duties which apply to Public Bodies will be increased.

The Equality Act 2010 became law during the last session of Parliament. One of the Act's main objectives is "to enable duties to be imposed in relation to the exercise of public procurement functions"



The Act and Codes of Practice will do this by strengthen the Equality Statutory Duty on Public Bodies and their suppliers through Public Procurement.  
*(Equality Act 2010, Part II Advancement of Equality Chapter 1 Public Sector Equality Duty Clauses 149 to 157)*

The requirement will demand that all public authorities must, in the exercise of their functions, have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality and foster good relations.



This duty applies to a person who is not a public authority but who exercises public functions.

*(Equality Act 2010, Part II Advancement of Equality Chapter 1 Public Sector Equality Duty Clause 149 (2))*

The rules of European Directive 2004/18/EC apply to all public procurement contracts.



## **Specific powers in connection with Public Procurement—Equality ACT**

The Government's view is that the public sector has an important opportunity to use its purchasing power to promote equality where possible. It believes that it is right that public money is spent on goods and services in a way that advances the Government's public policy objectives on equality.

The powers to impose additional specific duties, on a contracting authority within the meaning of the Public Sector Directive (2004/18/EC) in connection with its public procurement functions, is granted to a Minister of the Crown by the ACT.



*(Equality Act 2010, Part II Advancement of Equality Chapter 1 Public Sector Equality Duty Clause 155 (2))*

European Directive 2004/18/EC applies to the award of public works contracts, public supply contracts and public service contracts. *(European Parliament and of the Council of 31st March 2004 )*

### **Public Procurement**

Over 350,000 suppliers work with public bodies.

According to Government figures the total amount spent by public Procurement amounts to £220Bn. There are approx 25,000 organisations who will be subject to an Equality Public Duty (Local Authorities/ NHS/Central Government etc)



## **Public Sector Procurement, Commissioning and Corporate Departments**

### **The Equality ACT 2010**

The Equality ACT and the Codes of Practice will directly affect you and your Department. You will be under greater examination than in the past and your organisation will be expected to meet the more demanding requirements of the ACT.

### **What you should do**

Find out what the Act will mean in practice. C2E are preparing a Handbook for Public Bodies to support the Equality Framework for Procurement, Commissioning and Corporate departments.

If required we can arrange assistance for your organisation including implementation programmes which will ensure that your procurement, commissioning and corporate departments can meet and manage their duties.

Making sure that your suppliers have Equality Policies and Practices in place and that you can evidence them.



Check your current contracts and the conditions in place.

These will need to be updated.

If you need help ask— you can do this by contacting C2E and learn more about embedding the National Equality Register.



## **Suppliers and Sub Contractors to the Public Sector**

### **The Equality ACT 2010**

The Equality ACT and the Codes of Practice will directly affect you and your organisation. You will be subject to extra scrutiny and more exacting requirements.

As a supplier to a Public Body you will be required to have evidence of compliance that your equality practice meets a contracting authority's requirements.  
(Government Equality Office)



You will be expected to meet new contractual conditions and MEET your legal duty.



That can include compliance with shared statutory equality duties.  
(Equality Act 2010, Part II Advancement of Equality Chapter 1 Public Sector Equality Duty Clause 149 (2))

New requirements will use Public spending to make sure that all suppliers and their sub contractors meet their obligations.

These will include reporting on your Gender Pay Gap.

### **What suppliers should do**

Check your current contracts and the conditions that are already in place.

Ensure that you have Equality Policies and Practices in place and that you can evidence them.  
If you need help — contact C2E and join the National Equality Register



## Further information

**C2E and The National Equality Register** —<http://c2e.co.uk>

**C2E Equality Partners**—<http://c2e.co.uk>

**The Equality Act 2010**—[http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga\\_20100015\\_en.pdf](http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100015_en.pdf)



### **Government Equality Office**

—GEO has responsibility within Government for equality strategy and legislation  
<http://www.equalities.gov.uk>

### **Equality and Human Rights Commission**

- EHRC is the statutory body which has the responsibility to protect, enforce and promote equality across the nine "protected" characteristics - age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The commission has significant powers to enforce the equalities duties of organisations and authorities, including, ultimately, launching official inquiries and formal investigations—

<http://www.equalityhumanrights.com>





## The National Equality Register

- Empowers the public sector and makes managing equality easier for corporate, commissioning and procurement departments and their suppliers
- Enables reporting of Equality Information to be transparent
- Holds and makes up to date and verified Equality Information available
- Simplifies the challenges of managing equality for suppliers



## Committed2Equality

Committed2Equality (c2e) is a not for profit organisation - a legacy of the business-led Race Equality Task Force. Janet Lakhani, c2e CEO was the SME champion on the Task Force, the recommendations made in the report are at the heart of the Equality Act introduced into Parliament in spring 2009.

C2e has published a number of reports including the Local Authorities Equality & Diversity Survey (2006), and A Procurement guide to the proposed Equality Bill (2008).

C2E have appointed Equality Partners who have the market knowledge and capacity to deliver the C2E accreditation programmes to clients. Licensees deliver training programmes, Diversity Assured support, audit and assessment for clients.



These enable supplier organisations to verify compliance with public sector statutory duties.

C2E oversee licensees and manage client accreditation and certification.



For more information on C2E and our Equality Partners— [www.c2e.co.uk](http://www.c2e.co.uk)



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