

The Suppliers Guide to Equality



A brief guide to the Equality Act 2010



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The Equality Act 2010 and its Codes of Practice will have dramatic and significant effect on suppliers to Public Bodies and their sub contractors, as well as suppliers to the Private Sector.



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))*



Committed 2 Equality

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

Specific powers in connection with Public Procurement—Equality Act 2010

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 31 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 £225Bn. There

are approx 25000 organisations who will be subject to an Equality Public Duty (Local Authorities/ NHS/Central Government etc)



Suppliers and Sub Contractors to the Public Sector

The Equality Act 2010



The Equality Act 2010 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 suppliers and their sub contractors meet their obligations. These will include reporting on your Gender Pay Gap.



What you need to 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



Suppliers to the Private Sector

The Equality Act 2010



The Equality Act 2010 and the Codes of Practice will affect you and your business less than a Supplier to the Public Sector HOWEVER;

You will have legal obligations to potential, current and past employees and customers but you will not be subject to the same scrutiny as Public Sector Suppliers.

If you have more than 250 employees you will be required to report on any Gender Pay Gap.

It is unlikely that the more exacting regulations that are applied to Public Sectors Suppliers will be applied to you.

If you want to become a Supplier to the Public Sector or a Sub Contractor you will become subject to the regulations and requirements detailed across the page.

What you need to do

Check your current contracts and the conditions in place. You may already be a sub-contractor or have duties to clients that you have overlooked.



Make sure that you have Equality Policies and Practices in place and that you can evidence them. If you need help ask— you can do this by contacting C2E and joining 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

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 reassignment, 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



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