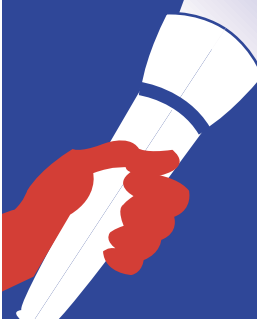


WEST MIDLANDS

FORUM

COMMON STANDARD FOR
EQUALITIES
IN PUBLIC PROCUREMENT



*Spotlighting and implementing a
Common Standard for assessing service providers.
Launched July 1998 - Revised June 2005.*

Information for service providers

EQUALITY = QUALITY

AIMS

To raise service providers¹ performance in race equality in employment and equal opportunities in general by: -

- Securing contracts that deliver equalities in public procurement for the residents of those authorities operating the Common Standard.
- Using agreed common standards.
- Working jointly to share resources/information/good practices.
- Offering service providers help to comply with their legal obligations for non-discrimination.
- Acknowledging and encouraging service providers who comply with the Standard.

OBJECTIVES

To establish a national common standard that promotes equality for all across age, disability, gender, race, religion and sexual orientation for participating local authorities and their service providers. The Standard enables local authorities to assess whether service providers can demonstrate compliance with the following legislation: -

- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- The Race Relations Code of Practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment, as approved by Parliament in 1983
- The Race Relations Act (Amendment) Regulations 2003
- Employment Equality (Religion or Belief) (Amendment) Regulations 2003
- Disability Discrimination Act 1995
- Equal Pay Act 1970 (Amendment) Regulations 2003
- Sex Discrimination Act 1975 (Amendment) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Age Discrimination (Proposed October 2006)

¹ The term 'service providers' includes contractors, consultants and suppliers.

BENEFITS

For service providers:

Significantly less paperwork to prepare at pre-qualification stage.

Once a service provider has been shown to comply with equality legislation (since April 2005) by a member authority they will not need to provide the same information again (within a three year review period) to any other members.

Advice and support in developing equal opportunities policy and practice

The Common Standard will lead to a greater awareness of equality legislation by service providers and their employees.

For local authorities:

Significantly less duplication of paperwork by service providers at pre-qualification stage saving valuable time.

Approved firms would not need to be checked again for three years.

Shared database —details of service providers approved (since April 2005) under the Common Standard are available to all member authorities via the database.

Reduce disparities in race, disability and gender employment rates

BACKGROUND

The Authorities that comprise the West Midlands Forum² (WMF) are committed to promoting equal opportunities in employment and have developed a Common Standard for assessing whether council contractors meet the requirements of the Race Relations (Amendment) Act 2000, and observe the Commission for Racial Equality's (CRE's) Code of Practice in Employment.

The CRE strongly encourages the promotion of race equality through procurement and recognises the important contribution made by local authorities. The CRE supports the use of the Common Standard as a means of assessing and ensuring service providers are suitable.

Since the launch of the standard, the Race Relations Act (RRA) has been amended to comply with new legislation outlawing discrimination in employment. (See Evaluating Service Providers page 5).

The WMF carried out a review of the Standard in light of this changed legislation, and questions are now included on sex and disability discrimination.

This leaflet sets out WMF's position at the time of publication. It is a working document in response to legislation and may be subject to change.

² The West Midlands Forum consists of Birmingham City Council, Coventry City Council, Redditch Borough Council, Sandwell Metropolitan Borough Council, Walsall Metropolitan Borough Council and Wolverhampton City Council

THE COMMON STANDARD FOR EQUALITIES IN PUBLIC PROCUREMENT

The Common Standard requires service providers to demonstrate that they comply with equality in employment legislation. The levels of the Standard become more demanding depending on the number of staff employed by the firm - sole traders and firms employing less than 5 employees face minimum requirements, whilst firms employing 50 or more staff need to meet more comprehensive criteria.

Service providers should note the requirements of levels 1 & 2 below before answering the questions on page 6.

LESS THAN 5 EMPLOYEES

Firms with fewer than 5 directly employed persons must provide a written assurance that the appropriate level of the Standard will be achieved following any recruitment which increases the size of the firm to 5 or more employees.

LEVEL 1 (5 TO 49 EMPLOYEES)

All firms with between 5 and 49 employees must achieve criteria 1 - 4 listed below.

- 1.** All firms must provide an equal opportunities policy in respect of race, gender and disability that covers at least:
 - (a) recruitment, selection, training, promotion, discipline and dismissal.
 - (b) discrimination, harassment, and victimisation, making it clear that these are disciplinary offences within the firm.
 - (c) identification of the senior position with responsibility for the policy and its effective implementation.
 - (d) how you communicate the policy to your staff.
- 2.** Effective implementation of the policy in the firm's recruitment practices, to include open recruitment methods such as the use of job centres, careers service or press advertisements.
- 3.** Regular reviews of the policy.
- 4.** Regular monitoring of the numbers of job applicants from different gender, disability and ethnic groups.

LEVEL 2 (50 OR MORE EMPLOYEES)

All firms with 50 or more employees must achieve criteria 1-4 in level 1 and the additional criteria 5–10 listed below.

- 5.** Provide written instructions to managers and supervisors on equality in recruitment, selection, training, promotion, discipline and dismissal of staff.
- 6.** Provide equality training for managers and any staff responsible for recruitment and selection.
- 7.** In addition to criterion 4 (Level 1) carry out monitoring on the number of employees from different gender, disability and ethnic groups by grade when:
 - (a) in post
 - (b) applying for posts
 - (c) taking up training and development opportunities
 - (d) promoted
 - (e) transferred
 - (f) disciplined and dismissed
 - (g) leaving employment
- 8.** If monitoring reveals under-representation of the groups listed in 7 above —to take steps - including positive action —to address any imbalances .
- 9.** Regular reporting and consultation on equality issues within the workforce.
- 10.** Mention in the firm s recruitment advertisements and publicity literature that equal opportunities practices are in place.



EVALUATING SERVICE PROVIDERS

The Local Government Act 1988 authorises local authorities to ask potential service providers six approved questions about racial equality in employment. These six questions are included within pre-qualification questionnaires used by the WMF and associated authorities. Answers to these questions are checked against the Common Standard levels.

The Race Relations (Amendment) Act 2000 which amended the Race Relations Act 1976, has important implications. It outlaws discrimination in all functions of local authorities and gives all local authorities a clearer, more direct, positive legal duty to stop discrimination and to promote equality of opportunity and good race relations in practice, including procurement. Equivalent legislation for a duty to promote disability equality and gender equality is currently proceeding through parliament, with a likely implementation date of December 2006.

In December 2003 new legislation outlawing discrimination in employment on grounds of sexual orientation and religion or belief was introduced, to comply with the EC employment framework directive. Similar legislation on age will come into effect in 2006.

In the light of this changing framework of law and regulation, the WMF has revised the Common Standard and widened the scope of the six approved questions to cover sex and disability discrimination.

CRE GUIDELINES

The CRE has produced a guide for local authorities and contractors entitled Race Equality and Procurement in Local Government (2003). The guide describes how local authorities can fulfil their duty to promote race equality in their procurement function and in individual procurement projects, including in the selection of contractors. It recommends that local authorities and service providers make every effort to ensure equal treatment in other respects, such as sex, disability, religion or belief, sexual orientation, and age.

COMMON STANDARD

Details of service providers who have been assessed against the Common Standard are entered on a database shared by participating local authorities. Successful service providers, who meet the criteria within the Common Standard, would not need to be checked again on equalities in employment legislation (within the three year review period), saving themselves and local authorities time and effort.

The Common Standard provides a benchmark against which equality in employment compliance can be measured. It will be used to ensure service providers are meeting their legislative obligations as listed under the objectives on page 1.

THE QUESTIONS

The following questions (1 –6) are examples of those used by the WMF and associated councils in pre-qualification questionnaires. They are based on the six questions approved by the Government in respect of race equality.

Note: If you are not currently subject to UK legislation please supply details of your experience in complying with equivalent legislation that is designed to eliminate discrimination and to promote equality of opportunity.

Service providers need to demonstrate compliance with equality in employment legislation through their answers to the following six questions and by providing supporting evidence.

- 1.** Is it your policy as an employer to comply with your statutory obligations to staff and applicants for employment under the equality and non-discrimination laws as listed under Objectives on page 1?
- 2.** In the last three years has any finding of unlawful discrimination or other breach of these laws been made against your organisation by any court or industrial tribunal?
- 3.** In the last three years has your organisation been the subject of formal investigation by the Commission for Racial Equality, The Equal Opportunities Commission or the Disability Rights Commission on grounds of alleged unlawful discrimination?
- 4.** If you answered *yes* to question 2, or, in relation to question 3 a commission made a finding adverse to your organisation, what steps did you take to address that finding?
- 5.** Is your policy on *equal opportunities at work* set out:
 - (a)** In instructions to those concerned with recruitment, training and promotion?
 - (b)** In documents available to employees, recognised trade unions or other representative group of employees?
 - (c)** In recruitment advertisements or other literature?
- 6.** Do you observe as far as possible the equalities and non-discrimination codes of practice as listed under Objectives on page 1?

INFORMATION FOR CONTRACTORS

The Equal Opportunities Commission (EOC)

Arndale House, Arndale Centre, Manchester, M4 3EQ

Telephone: 0845 6015901

eMail: info@eoc.org.uk

Web: www.eoc.org.uk

Disability Service Team

This service is available to employers to provide practical advice and guidance on how to make full use of the skills and abilities of workers with disabilities by adopting progressive employment practices. The address of your local office can be obtained from your local Job Centre.

Disability Service Team, 1st Floor Dyson Chambers, 12-14 Briggate, Leeds LS1 6EP

Telephone: 0113 215 5289

Fax: 0113 215 5194

Minicom: 0113 215 5295

Web: www.employmentservices.gov.uk

Web: www.through-the-maze.org.uk

Disability Rights Commission

Fox Court, 14 Gray s Inn Road, London, WC1X 8HN

Telephone: 020 7543 7000

The Commission for Racial Equality (CRE)

St Dunstons House, 201-211 Borough High Street, London, SE1 1JZ.

Telephone: 0207 939 0000

Fax: 0207 939 0001

eMail: info@cre.gov.uk

Web: www.cre.gov.uk

INFORMATION FOR LOCAL AUTHORITIES

Common Standard Website

The West Midlands Forum is developing a website for hosting the Common Standard database. The website will contain information on how the WMF operates, what training packages are available, associate membership for other local authorities, and links to other organisations such as the CRE, EOC, DRC etc.

Initially the website will be hosted by Wolverhampton City Council and enquiries can be forwarded to Alan Butt.

Telephone: 01902 554028

eMail: alan.butt@wolverhampton.gov.uk

Web: www.wolverhampton.gov.uk

THE EQUALITIES IN SERVICE PROVISION GROUP

The Equality in Service Provision Group meets quarterly and is made up of a mix of local government officers and equality experts. It was set up in 1996 and one of its main areas of work is the promotion of equality in procurement.

The remit of the group is to:

- provide a forum for local authority officers to discuss the promotion of equality of opportunity through the best value process and in particular in procurement
- identify and disseminate examples of good practice in best value and procurement
- facilitate co-working between local authorities
- identify interventions such as the development of advisory, guidance and practical materials and develop or advise on these
- enable exchange with and advise the statutory commissions
- disseminate, discuss and respond to current national policy proposals around best value and procurement, as they relate to the promotion of equality of opportunity.

Any local authorities interested in attending meetings of the group should contact Joe Charlesworth at the address below.

The Commission for Racial Equality

St Dunstons House, 201-211 Borough High Street, London, SE1 1JZ.

Telephone: 0207 939 0000

Fax: 0207 939 0001

eMail: info@cre.gov.uk

Web: www.cre.gov.uk



This leaflet has been edited by Birmingham City Council Corporate Communications Team to ensure that the principals of 'Plain English' have been followed.

WEST MIDLANDS FORUM CONTACTS

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COVENTRY CITY COUNCIL

Jean Metcalfe — Contractor Assessment Officer	telephone	024 7683 2802	fax	024 7683 3780	e-Mail	jean.metcalfe@ coventry.gov.uk
Pauline Day — Procurement Administrator		024 7683 3768		024 7683 3780		pauline.day@ coventry.gov.uk

REDDITCH BOROUGH COUNCIL

Ron Colebrook — Best Value & Contracts	telephone	01527 64252 Ext: 3160	fax	01527 65216	e-Mail	ron.colebrook@ redditchbc.gov.uk
Carmen Young — Policy Assistant		01527 64252 Ext: 3335		01527 65216		carmen.young@ redditchbc.gov.uk

SANDWELL METROPOLITAN BOROUGH COUNCIL

Anita Patel — Contractors Assessment Officer (Equal Opportunities)	telephone	0121 569 3809	fax	0121 569 3823	e-Mail	anita_patel@ sandwell.gov.uk
Neil Whitehouse — Purchasing Manager		0121 569 3625		0121 569 3823		neil_whitehouse@ sandwell.gov.uk

WALSALL METROPOLITAN BOROUGH COUNCIL

Neville Hannington — Contract Development & Procurement Manager	telephone	01922 642801	fax	01922 616759	e-Mail	hanningtonn@ walsall.gov.uk
Val Attewell — Administration Officer		01922 642801		01922 616759		attewellv@ walsall.gov.uk

WOLVERHAMPTON CITY COUNCIL

Alan Butt — Senior Contractors Assessment Officer	telephone	01902 554028	fax	01902 555095	e-Mail	alan.butt@ wolverhampton.gov.uk
Russell Blackwell — Contractors Assessment Officer		01902 554029		01902 555095		russell.blackwell@ wolverhampton.gov.uk

Notes:

COMMISSION FOR
RACIAL EQUALITY



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