

equality in contracts



our vision

Wakefield Council's vision is of the district moving forward, motivated by pride and its heritage, where our people look after themselves and each other, with places that are attractive to live, learn, work and invest in, and where the work we do now will stand the test of time.



We value the social and cultural diversity of the district's communities. Our aim is to make sure that everyone has the same opportunities, regardless of background.

This applies to how we provide our services - whether we provide those services directly or procure them from elsewhere. We expect high standards from suppliers who provide goods, services and works to the Council.

All groups in our communities, whatever their background, have a right to expect that public money is spent on local services which meet their needs - and that the money is

spent in a way which promotes equality of opportunity and delivers high quality results.

This leaflet explains the Council's expectations of suppliers regarding equality and provides information about where suppliers can get further advice and information.

We welcome and support all anti-discrimination legislation and we want to ensure that we follow it in all aspects of our work as an employer and a service provider.

Councillor Graham Stokes
Cabinet Member for Resources

delivering equality in service provision

The Race Relations (Amendment) Act 2000 has important implications for local authorities. The Race Relations Act now outlaws discrimination in all council activity, including procurement. It also gives a clearer, more direct, positive legal duty to eliminate discrimination and to promote equality of opportunity and good race relations.

We want to assist and encourage contractors and other partners working with Wakefield Council to achieve good practice in equality of opportunity.

The best employers already know that we need to use the knowledge and skills of all sections of the workforce. These employers recognise, and can demonstrate, that a diverse workforce can give a competitive edge in meeting the demands of a broad customer base.

The Council, as an influential democratically elected body and the district's biggest single employer, has a duty to promote a positive approach to equality throughout the district.

Our procurement processes demonstrate our commitment to equality to all our suppliers and contractors. We demonstrate this in the questions we ask, in the advice we provide and by making sure that contractual arrangements actively promote equality.



what the law says

Under UK legislation, local authorities must consider equal opportunities in their contracts. We encourage all our suppliers to introduce appropriate equal opportunities policies and procedures.



The key equality legislation includes:

- The Race Relations Act 1976
- The Race Relations (Amendment) Act 2000
- The Sex Discrimination Act 1975
- The EC race directive - EC Directive 2000/43/EC
- Local Government Acts - 1988;1999 & 2000
- The Disability Discrimination Act 1997

equality in the tender process

In evaluating tenders, we will look for suppliers who can demonstrate that they understand their responsibilities and operate with due regard to the legislation.

We need to be sure that you have no history of discrimination (or if you have, that you have rectified this) and for some contracts we will need to make sure that you have the capacity to meet the race equality standards required to deliver the contract.

For instance:

- You may be required to complete and submit a pre-qualification questionnaire as part of the tender process. This asks 10 questions about equality. The answers will be used to assess your compliance with statutory regulations and your approach to equality. You can find the equality questions in this leaflet.
- If equality is a core requirement of the contract, you may be asked to give additional evidence to support your tender submission, such as information about the way that you approach race equality in your supply chain.
- If the contract has direct equality implications, requirements will be built into the tender specification and contract conditions for the service.



pre-qualification questions

Here are equality questions you will be asked for the tendering process.

- 1a** Is it your policy as an employer to comply with your statutory obligations under the Race Relations Act 1976 and Race Relations (Amendment) Act 2000, which apply in Great Britain, or equivalent legislation that applies in the countries in which your firm employs staff?
- 1b** Is it your practice not to discriminate directly or indirectly on grounds of colour, race, nationality or ethnic or national origins in relation to decisions to recruit, select, remunerate, train, transfer and promote employees?
- 2** In the last three years, has any finding of unlawful racial discrimination in the employment field been made against your organisation by an employment tribunal, an employment appeal tribunal, or any court, or in comparable proceedings in any other jurisdiction?
- 3** In the last three years, has your organisation been the subject of formal investigation by the Commission for Racial Equality (CRE), or a comparable body, on the grounds of alleged unlawful discrimination in the employment field?
- 4** If the answer to question 2 is yes or, in relation to question 3, the CRE or comparable body made a finding adverse to your organisation, what steps have you taken as a result of that finding?
- 5** Do you observe the CRE's code of practice for employment, as approved by parliament in 1983, or a comparable statutory code? OR guidance issued under equivalent legislation in another member state, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including monitoring of workforce matters and steps that can be

taken to encourage people from ethnic minorities to apply for jobs or take up training opportunities?

- 6** Is it your policy as an employer to comply with your statutory obligations under the Sex Discrimination Act 1975, as amended, the Equal Pay Act 1970, and the Disability Discrimination Act 1995 - all of which apply in Great Britain - or equivalent legislation in the countries in which you employ staff?
- 7** In the last 3 years, has any finding of unlawful sex or disability discrimination in the employment field been made against your organisation by an employment tribunal, an employment appeal tribunal, or any court, or in comparable proceedings in any other jurisdiction?
- 8** If the answer to question 7 is yes, what steps have you taken as a result of that finding?
- 9** Is your policy on equal opportunities set out in the following:
 - **Instructions to those concerned with recruitment, selection, remuneration, training and promotion?**
 - **Documents available to employees, recognised trade unions or other employee representative groups?**
 - **In job advertisements or other literature?**
- 10** 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 (especially racial discrimination) and to promote equality of opportunity.

equality standards

The Race Relations Act is supported by codes of practice published by the Commission for Racial Equality. The code of practice for ending racial discrimination and promoting equal opportunities in employment (known as 'the CRE Code of Practice for Employment') sets out the steps which employers should take to meet their obligations under the act.

The code of practice recommends that employers should:

- Have a written policy on equal opportunities, including racial equality.
- Seek agreement from trade unions and employee representatives on the policy.
- Tell employees and job applicants about the policy.
- Have disciplinary procedures for racial discrimination, including harassment within the firm.
- Train managers and supervisors to make sure that they understand and promote equality.



- Regularly review the firm's recruitment, promotion, training and transfer practices in line with the policy.
- Take positive action to encourage under-represented ethnic groups to be represented more in the workforce.
- Record the ethnic origins of job applicants and members of the workforce and use these records to monitor how effective the firm's equal opportunities policy is.

All companies who supply goods, services or works to or on behalf of the council are expected to work to the relevant standard that is set out in the Race Relations Act.

Organisations of different sizes can meet the standard in different ways. Small organisations usually do not need to implement procedures in the same detail as larger organisations.



useful contacts

Organisations of particular interest to contractors

- **The Commission for Racial Equality**
www.cre.gov.uk
The CRE provides guidance on race equality for small and medium enterprises (SMEs).
- **Equality Direct**
www.equalitydirect.org.uk
Gives advice on a wide range of equality issues.
- **Ethnic Minority Business Forum**
www.ethnicbusiness.org
Works with the Small Business Service and with Business Link to identify the needs of business in ethnic minority communities.
- **Business Link**
www.businesslink.gov.uk
- **Business Link for West Yorkshire**
www.blwy.co.uk
Gives access to a wide network of business support organisations.
- **The Equal Opportunities Commission**
www.eoc.org.uk
- **The Disability Rights Commission**
www.drc.gov.uk
- **The Federation of Small Businesses**
www.fsb.org.uk
Support and networking for small businesses.
- **DTI Social Enterprise Unit**
www.dti.gov.uk/socialenterprise/index.htm
Addresses barriers to growth of social enterprises and identifies and spreads good practice.

Contacts within Wakefield Council

- **Partnering & Procurement Service**
Telephone: 01924 306781
E-mail: procurement@wakefield.gov.uk
- **WMDC Main Switchboard**
Telephone 01924 306090
(typetalk calls welcome)
Mini com: (01924) 303450
- **WMDC Web site**
www.wakefield.gov.uk
www.wakefield.gov.uk/procurement

If you'd like a copy of this information on:

- **Cassette**
- **In large type**
- **Braille**
- **or in any other format**

please call 01924 306781



For more information on Equality in Contracts contact:

Partnering & Procurement Service

Telephone: 01924 306781

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