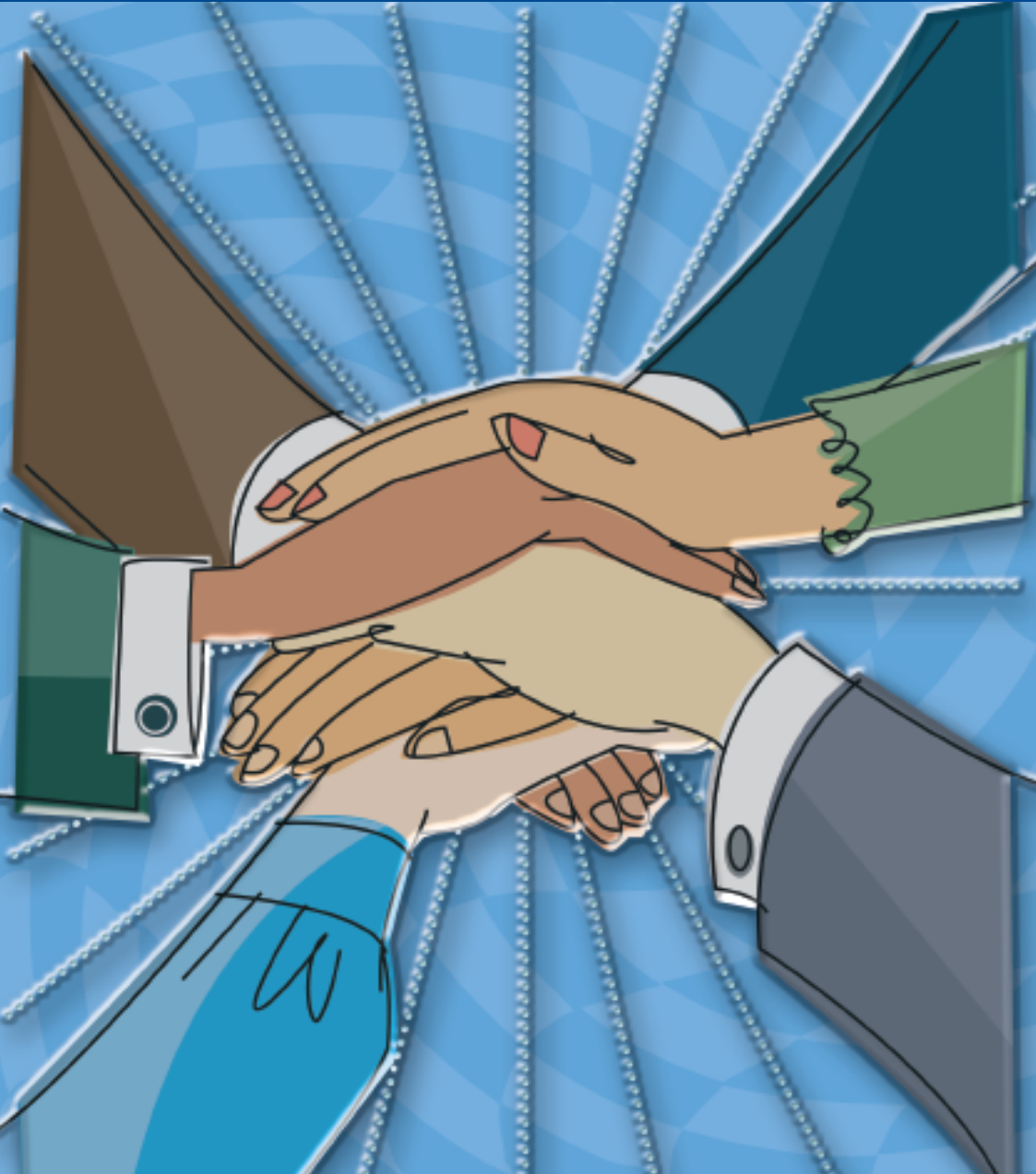




Nottinghamshire
County Council

Procurement and equality of opportunity

Guidance for external providers of services to
Nottinghamshire County Council



Nottinghamshire County Council - equality policy statement on procurement

Section 71 of the Race Relations (Amendment Act) 2000 requires all public authorities to eliminate discrimination and promote equality of opportunity and good race relations.”

At Nottinghamshire County Council it is our policy to work positively to reduce inequality with all customers and employees by ensuring that they are treated equitably, fairly, without discrimination and with dignity and respect, regardless of their age, gender, race, sexuality, disability, religion, belief or trade union membership status.

We believe it is our duty to promote equal opportunity and have taken positive steps to redress inequality. In turn, we expect our employees, visitors and partners to respect and comply with government legislation and policies.

We consider it necessary for organisations who intend to supply goods or services on our behalf to demonstrate that reasonably practicable steps have been taken to allow equal access and treatment in employment and services for all.

The following 'question & answer' section demonstrates how this policy will be applied in procurement for potential County Council service and goods providers.



Why do I, or my company, need to take equality into account?

Organisations providing services to, or on behalf of, Nottinghamshire County Council, must carry out their duties in accordance with UK legislation and take appropriate action to combat discrimination based on the following: gender, race, religion, beliefs, disability, sexual orientation and age. Failure to comply with this policy could make the authority, and in some cases individuals, liable to legal action and prevent organisations from being allowed to tender for County Council services and works.



What questions will I, or my company, be asked?

The questions detailed in the '***questions for contractors section***' may be asked at the pre-qualification stage to assess a supplier's suitability to undertake business with the County Council.



Do I, or my company, have to answer 'Yes' to all the questions?

It is not a legal requirement for a company to answer 'yes' to all of the questions before they are considered for selection. Greater importance will be given to the answers received from the three questions marked by (+) as these questions refer to an external provider's policy and practice not to discriminate. The answers to these questions will also inform us if potential contractors have had a case of unlawful discrimination brought against them, and the steps they have taken to address any shortcomings.



We do not have a written equal opportunities policy. Does this mean we will not be included in the County Council's select list?

Much of current equality legislation applies to all service providers and employers, not just statutory bodies. The County Council strongly encourages potential suppliers to demonstrate a commitment to equalities. We acknowledge that small businesses may not have formal written equal opportunities policies, and other companies may have formal policies but may not refer to them in their recruitment advertisements. This will not automatically exclude them from selection.

European procurement rules, contracts for:

Services equal to, or above £154,777 (249,681 Euros)

Works equal to, or above £3,861,932 (6,242,028 Euros)

Please note: The current thresholds are set until 31st December 2005.



How will this effect contracts whose value equals or exceeds these thresholds?

If the value of a contract exceeds EU thresholds, EU directives stipulate the questions that can be asked at pre-qualification stage. However the County Council will make explicit in the OJEU (Official Journal of the European Union) Notices for a contract that a successful contractor will be required to comply with additional questions pertaining to equal opportunities in relation to gender, race, religion, disability, sexual orientation and age.

Contract Clauses



How will this affect the clauses included in the contracts?

The following standard clause covering equalities will be included in all contracts for services. The contract clause covers both contractors and sub-contractors and their obligations under current UK legislation covering gender, race, religion, disability, sexual orientation and age.

“Throughout the duration of this Agreement the Contractor shall, and in addition shall ensure that its sub-contractors shall: - discharge their obligations under this Agreement and (supply the Works and perform Services) in accordance with their responsibilities under the provisions of the Sex Discrimination Act 1975, Race Relations Act 1976 (Amended 2000) and the Disability Discrimination Act 1995, 2004 and 2005, Anti-discrimination in employment legislation 2003, covering religion, beliefs, sexual orientation and age, Codes of Practice issued by the European Commission for Combating Discrimination, Equal Opportunities Commission, and the Commission for Racial Equality, and the Disability Rights Commission, and shall in addition discharge its obligations under this Agreement and provide the services in a manner consistent with County Council policies on equal opportunities.”



Will additional equality clauses also be included in the contract?

Additional clauses relating to equality of opportunity in relation to service delivery may also be included and monitored, for example to ensure that the service is being provided to certain target groups.

Questions for Contractors

The following questions may be asked during the tendering processes at the pre-qualification stage. Contractors are invited to submit relevant information which will be assessed before they are considered suitable to provide goods, works and services to the Council.

Discrimination on the grounds of race, sexual orientation, religion or beliefs, is prohibited by UK law, and there is an intention to introduce legislation to tackle age discrimination by 2006.

Nottinghamshire County Council therefore considers it necessary for all organisations, wishing to provide services on behalf of the County Council, to demonstrate that all reasonably practicable steps were taken to eliminate discrimination and promote equality of opportunity by allowing equal access and equal treatment in employment and service delivery for all.



1. Do you have an equal opportunities policy?

Yes

No

If Yes, please provide a copy of your company policy on equal opportunities. If No, you will not be automatically excluded from our list of sub-contractors, but we strongly advise that you develop a police on equal opportunities.



2. Is it your policy as an employer to comply with your statutory obligations under the current legislation relating to Equal Opportunities and accordingly, your practice not to treat one group less favourably than others because of its gender, race or ethnic origin, religion or belief, disability, sexual orientation, or age, in decisions to recruit, train or promote employees? +

Yes

No



3. In the last three years has any court or tribunal found a case of unlawful discrimination against your company? +

Yes

No



4. In the last three years has your Company been the subject of a formal investigation by the Commission for Racial Equality, the Disability Rights Commission for the Equal Opportunities Commission on grounds of alleged unlawful discrimination? +

Investigation will not disbar your Company from inclusion, but failure to disclose it will.

Yes

No



5. Is your policy on equal opportunities set out:-

a. In instructions to those concerned with recruitment, training or promotion of employees?

Yes

No

If Yes, please provide details

b. In documents available to employees, recognised Trade Unions or other employee representative groups?

Yes

No

c. In recruitment advertisements or other literature?

Yes

No

If Yes, please provide a copy of a recent recruitment advertisement

Yes

No

The County Council will take your answers to these questions into account in our selection process. It is not a legal requirement for a company to answer 'yes' to all of the questions before they will be considered for selection and greater importance will be given to the answers received for the 3 questions marked by +.

Contact us

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