

OVERVIEW AND SCRUTINY REVIEW PANEL – EQUALITIES WITHIN THE COMMISSIONING AND PROCUREMENT PROCESS
19 DECEMBER 2014
TO EXPLORE HOW THE COUNCIL CAN PROMOTE EQUALITIES THROUGH ITS PROCUREMENT AND COMMISSIONING POLICY AND PRACTICES
REPORT OF HEAD OF DEMOCRATIC SERVICES

1. Purpose

To carry out a review on what action the Council is taking in relation to:

- (1) promoting equalities through the Council's procurement and commissioning policy;
- (2) what extent equalities principles are embedded in the Council's commissioning and procurement processes.

2. Action required

The Committee is asked to:

- (1) **approve the scope attached at Appendix A;**
- (2) **invite participation from colleagues from Commissioning and Procurement to outline the Council's Commissioning and Procurement framework;**
- (3) **invite participation from the Equality and Fairness Commission as contributors to the review;**
- (4) **ask members of the Review Panel to highlight pertinent points and outcomes from the discussion;**
- (5) **establish a date for a second review to address the pertinent points raised in the discussion.**

3. Background information

- 3.1 Under the general equality duty (as set out in the Equality Act 2010), public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as the advancement of equality principles. The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

- 3.2 The law requires that this duty to have due regard be demonstrated in the decision making process and the assessment of the potential impact on equality of proposed changes to policies is one of the key ways in which local authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 3.3 This topic was proposed by the Equality and Fairness Commission (EFC) at the meeting of Overview and Scrutiny Committee (OSC) held on 5 February 2014 and a protocol was subsequently agreed between the EFC and OSC for referring potential review topics and for sharing information. The EFC asked Overview and Scrutiny to support the work of the EFC by helping to advance equality and fairness through key policy areas that have potential to contribute significantly to advancing equality in the City, such as Commissioning and Procurement; the City's Growth Plan; and the City's Health and Wellbeing Strategy.
- 3.4 It was agreed that the issues raised by the EFC on equality issues relating to the Health and Wellbeing Strategy could be addressed through the existing work of the Health Scrutiny Panel; and there would be opportunity to consider good growth when the Committee carries out its annual scrutiny of progress of the Nottingham Plan. A specific review of commissioning and procurement as a way of promoting equality will be carried out with tight focus.
- 3.5 This review is to look at how equality and fairness can be advanced through key policy areas such as Commissioning and Procurement.
- 3.6 The EFC suggested that by incorporating measurable equality outcomes in contracts it is possible to promote benefits such as community cohesion, and initiatives involving targeted recruitment to support disabled people into the workplace.
- 3.7 Participation is invited by the representatives of the EFC as contributors to the review, however, decisions relating to the scope, findings and recommendations will be solely within the remit of the scrutiny review panel itself (as previously agreed in the protocol between the EFC and Overview and Scrutiny Committee).

4. List of attached information

- 4.1 Desktop research by the appropriate Scrutiny Officer has focussed on providing members of the Panel with sufficient evidence to challenge whether equality principles are embedded within the local authority's commissioning and procurement processes. Reference is made to Nottingham City Council's existing Equality and Diversity policy (Appendix C) which emphasises the importance of the Council utilising its influence and purchasing power to help make equality a reality for all of its citizens.

4.2 Attached at Appendix B is a guide for public authorities in England for mainstreaming equality considerations within the procurement and commissioning process with the aim of using purchasing power as a way to advance equality, and where appropriate, achieve wider social benefits, such as training or employment opportunities.

4.3 Appendix A – scope for approval
Appendix B – Buying Better Outcomes – mainstreaming equality considerations in procurement, Equality and Human Rights Commission
Appendix C – Nottingham City Council's Equality and Diversity policy

5. **Background papers, other than published works or those disclosing exempt or confidential information**

None

6. **Published documents referred to in compiling this report**

Overview and Scrutiny Committee meeting papers 5 February 2014
<http://committee.nottinghamcity.gov.uk/ieListDocuments.aspx?CId=230&MId=3487>

7. **Wards affected**

All

8. **Contact information**

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