

# Equalities and Diversity in Procurement Supplier Guide

January 2021

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## Introduction

Enfield is a borough full of potential. We have a diverse and growing population; an emerging and strengthening business sector; an ambitious regeneration and housebuilding programme; and an attractive natural environment. Whilst exciting prospects lie ahead for the borough, it is essential that the benefits of Enfield's growth and development are harnessed effectively to support disadvantaged residents and do not widen the existing inequality gap or push out our most deprived residents.

## Objectives of this Guidance

This guide is to support suppliers who do business with the Council, to ensure that they support Equality and Diversity in the same way that the Council does. The Council's [Fairer Enfield Policy 2021-25](#) sets out how Enfield Council will tackle inequality and promote an inclusive workplace and inclusive communities, as the borough continues to grow, develop and create new opportunities for everyone in Enfield.

An important part of this work is to ensure the Council is encouraging and, where appropriate, requiring companies and other organisations which bid for Council business to practice and promote equalities in employment and service delivery, supporting our Fairer Enfield policy.

Each year, the Council enters into contracts worth many millions of pounds for buying goods, works and services on behalf of the people of Enfield. Whether provided by the Council or by external organisations Enfield will not discriminate on the grounds of disability or impairment, employment status, gender, gender reassignment, home address, marital status, nationality, national origin, race, religious belief, responsibility for dependants, sexual orientation or trade union membership. We aim to, tackle inequality and discrimination and promote equality, diversity and inclusion in all that we do. We expect our contracting partners to support us in these aims.

By Enfield complying with the [Public Sector Equality Duty](#) it helps us ensure that the goods and services we procure are fit for purpose and meet the needs of our users.

We expect suppliers who provide goods and services on our behalf to comply with our equality principles, diversity and inclusion as set in the Fairer Enfield Policy.

## Our Vision

Our new Fairer Enfield Policy reinforces the Council's duty to comply with relevant legislation and statutory requirements and as the borough continues to grow, confirms our commitment to improve equality and diversity for all who

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live, work and earn in Enfield. Furthermore, it outlines the behaviours and values that everyone working for and with the Council must demonstrate and the actions they must take in order to make this a reality.

In our [Council Plan 2020 - 2022](#), we set out our vision to create a 'lifetime of opportunity for everyone'.

The Plan outlines the Council priorities for the next two years and addresses three overarching priorities and four cross cutting themes. The three priorities are:

- Good homes in well-connected neighbourhoods
- Safe, healthy and confident communities
- An economy that works for everyone

The Plan also identifies four new cross cutting themes to support the delivery of these priorities. These are:

- A Modern Council
- Fairer Enfield
- Early Help
- Climate Action

Our Fairer Enfield Policy follows four core values which form the framework for a fairer Enfield:

- **Equal Outcomes**
- **Respect**
- **Diversity**
- **Inclusion**

The Fairer Enfield Policy also includes eight equality objectives, which demonstrate specific areas where we are tackling inequality.

These eight objectives are:

- Overcome racism in Enfield.
- Deliver positive interventions to reduce serious youth violence in Enfield.
- Increase the number of Enfield residents affected by special educational needs and disabilities (SEND) who are in paid employment
- Improve the wellbeing and celebrate the contribution of our Lesbian, Gay, Bi and Trans community.
- Provide access to support services and networks to reduce social isolation.
- Work with our partners to mitigate the impact of Covid-19 on children and young people's mental health and wellbeing.
- Keep people safe from domestic abuse.
- Promote safer and stronger communities by encouraging the reporting of hate crime and reducing repeat incidents.

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## Background

Enfield is increasingly one of the most diverse parts of London, with all the benefits this brings us across our communities, culture, heritage and local economy. We are extremely proud of this and believe it is one of our strongest assets, however too many people in Enfield still do not have fair and equal opportunities.

- In 2019, Enfield was ranked as the 14<sup>th</sup> most diverse borough in London, with 37.37% of our population identifying as Black, Asian, Mixed Ethnicity or Other and 39% of borough's population being born overseas.<sup>1</sup>
- Enfield is the 9<sup>th</sup> most deprived London borough and has the 11<sup>th</sup> highest rate of child poverty in the country.
- Based on the 2019 Enfield Ethnicity estimates, residents from White British backgrounds make up 35.32% of Enfield's inhabitants, with White Irish at 2.18% and other White groups at 25.13%. Other Ethnic Groups represent 5.25% of the population, Mixed Groups at 5.48%, Asian Groups at 10.97% and Black groups at 17.89%.<sup>2</sup>
- In 2019, 42.6% of disabled persons in Enfield were in employment. This is lower than the national average, which estimates 53.2% of disabled persons are in employment.<sup>3</sup>
- Pupils in Enfield schools speak over 178 languages and dialects. The top five non-English languages spoken by Enfield school pupils, in 2020, were Turkish, Somali, Polish, Albanian and Bengali.<sup>4</sup>
- In Enfield schools in 2018/19, when looking at average attainment 8 score among broad ethnic categories, the lowest score was students from Black ethnic groups (43.2), and the highest score on average were students from the Chinese ethnic groups (70.3), a gap of 27.1 points. This is 6.8 points higher than the England gap of 20.3 points.<sup>5</sup>
- In 2018, one in five workers (19%) in Enfield were low paid versus one in ten for London (11%).<sup>6</sup>
- National analysis found that 12-18% of communities from ethnic minorities were struggling financially before the Covid-19 crisis,

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<sup>1</sup> Borough Profile 2020

<sup>2</sup> Borough Profile 2020

<sup>3</sup> National Population Survey, 2019

<sup>4</sup> Borough Profile 2020

<sup>5</sup> Department for Education, 2019

<sup>6</sup> Annual Survey of Hours and Earnings 2018

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compared to 7% across the population.<sup>7</sup> In Enfield, 57% of Citizen's Advice clients are from Ethnic Minorities, despite Ethnic Minorities representing 38% of the Borough's population.<sup>8</sup>

- In 2019, it is estimated that 7.6% of economically active 16-64-year-olds in Enfield were unemployed, compared with 4.6% in London and 4.0% in the UK on average.<sup>9</sup>

## The Role of procurement in promoting Equalities and Valuing Diversity

The Council has a statutory duty to ensure that public money is spent in a way that ensures Value for Money and advances equality of opportunity. The embedding of equalities and diversity in the procurement process will help the Council to:

- Obtain value for money for the Council and improve the quality of local authority services
- Ensure that public money is not spent on practices which lead to unfair discrimination
- Create a diverse and integrated workforce
- Deliver more responsive and flexible services in combating social exclusion and building strong and cohesive communities
- Encourage other organisations to practice the Council's public service ethos on equalities.
- Deliver services that meet the needs of residents of the borough
- Improve employment conditions

The Council aims to fulfil the Fairer Enfield objectives by:

- Promoting equality and fairness through its procurement processes and practices
- Striving to ensure equal opportunities for all, when procuring goods, works or services
- Purchasing works and services from contractors who can demonstrate a commitment to making sure that their employees and their customers are not discriminated against because of age, sex, sexual orientation, race (including colour, nationality, national or ethnic origin) religion and belief, disability, gender reassignment, pregnancy/maternity and marital/civil partnership status
- Securing fair employment terms and conditions for comparable employees when purchasing works or services

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<sup>7</sup> Parkes, Nanda, Round, Black, Asian and minority ethnic groups at greater risk of problem debt since Covid-19 2020

<sup>8</sup> Enfield Poverty and Inequality Commission Report 2020

<sup>9</sup> Enfield Poverty and Inequality Commission Report 2020

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- Securing compliance with our duty to provide works and services that demonstrate Best Value, whilst ensuring that our policies support diversity and do not lead to unfair discrimination or social exclusion.
  - Recognising the connection between service quality and the management of workforce issues. Good quality works/services depend on appropriately skilled and motivated workforces. Neglecting relevant workforce matters in order to drive won costs could have adverse effects on the desired quality and value for money.
  - Undertaking transparent, open and fair procurement.

## The Legal Bit

### Equality Act 2010

The Equality Act (2010) sets out anti-discrimination law in the UK. It identifies the following protected characteristics:

- age,
- disability
- gender reassignment
- race
- religion or belief
- sex, sexual orientation
- pregnancy and maternity
- marriage and civil partnerships.

Enfield Council is also going beyond our statutory duties under the 2010 Equality Act by seeking to also implement the Act's socio-economic duty (Part 1 Section 1).<sup>10</sup> We commit to treating everyone equally regardless of socio-economic status and will work to eliminate discrimination and disadvantage caused by a person's socio-economic status.

The Act sets out the Public Sector Equality Duty (PSED) which applies to public authorities in England, e.g. local authorities, police, schools, universities. It also applies to organisations carrying out a public function. It therefore includes private companies or voluntary sector organisations that have been contracted to carry out public functions on behalf of a public authority. The duty only applies in respect of the public function being carried out and not the wider business of the contracted body.

The PSED requires public authorities (and those acting on our behalf) to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and

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<sup>10</sup> Fairer Enfield 2021-25

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- Foster good relations between people who share a protected characteristic and those who do not.

The Act also explains that advancing equality of opportunity involves having due regard to the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people, and
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low

The main purpose of the Equality Act 2010 (EqA 2010) is to streamline and strengthen antidiscrimination legislation in Great Britain. It provides the legal framework that protects people from discrimination.

### **Social Value Act 2012**

The Social Value Act 2012 is aimed at those commissioning, policy making or operational roles who need to procure services on behalf of a contracting authority (the Council).

Before they start the procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

The Act is a tool to help commissioners get more value for money out of procurement. It also encourages commissioners to talk to their local provider market or community to design better services, often finding new and innovative solutions to difficult problems.

The benefits sought should depend on what would best meet that area's particular needs and could be in the form of social benefits (for example reducing anti-social behaviour), economic benefits (for example increasing local employment for long term unemployed), or environmental benefits (for example reducing local congestion).

The Act is not an end in itself but is one tool to promote the wider uptake of a particular approach to commissioning for best value, namely social value.

### **Other Laws that may apply:**

Acts of Parliament

- Human Rights Act 1998
- Civil Partnership Act 2004

Although it is not stated in legislation as a protected characteristic, we also commit to treating everyone equally regardless of socio-economic status and

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will work to eliminate discrimination and disadvantage caused by a person's socio-economic status.

## Competing for Contracts

The Council has to follow the requirements of UK procurement legislation and its own internal Contract Procedure Rules when procuring goods, services or works. Accordingly, if your organisation wants to win work from the Council, you will need to be aware of our Fairer Enfield Policy and our Sustainable and Ethical Procurement Policy [\[insert link\]](#) to comply with all the relevant legislation on equalities.

Enfield Council seeks to work with organisations who maintain high standards of ethical conduct, treat their employees fairly and promote equality and diversity in employment and service provision.

This will be tested through our procurement process. At Selection Questionnaire (SQ) or Invitation to Tender (ITT) you will be asked questions to demonstrate how your organisation is delivering Equality and Diversity in your workplace. Some example questions are set out in Appendix 1.

In preparation for the procurement it will be helpful for you to:

When tendering for work from the Council, you should, as a suggested minimum:

- 1) Make sure you have all the information you need about the procurement, so you can consider how you will respond. Make sure you understand how the tenders will be evaluated.
- 2) Make sure you answer fully any questions on equality that are in the procurement documentation, and supply copies of your policies if requested.
- 3) In tenders, where asked, it would be helpful if you can back up these policies up with positive examples, that are relevant to the contract in question and that show how equality matters are really embedded in your organisation, and not just in policy documents.
- 4) If you are successful in getting the contract, make sure you are geared up to meet your obligations, including those on equality matters, and monitor your own performance going forward.
- 5) Do you need to give your staff any specific training before the contract starts?
- 6) Bear in mind that we will be monitoring your performance of the contract throughout the contract term. Make sure you answer any questions we ask about your performance, including on equality matters.
- 7) Remember that other authorities may approach us about your performance on our contract, particularly if you put us forward as a referee on other tenders.

In some instances, questions may represent a minimum standard below which potential contractors will not be considered; in others they may be



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scored to reflect relative levels of impact on equalities issues. The criteria used to evaluate answers to the questions will be provided at the same time as the questions.

While equality is more likely to be relevant to contracts for services, it should not be assumed that it will not be relevant to contracts for goods or works.

The impact of the procurement with regard to the promotion of equalities within service delivery and employment opportunities will also be monitored and managed during the life of each contract, to ensure suppliers are actively supporting our Fairer Enfield Policy and Sustainable and Ethical Procurement Policy.

## Equalities in the contract

Our standard Terms and Conditions of Contract include equalities clauses/specifications that are relevant and proportionate to the contract. If these are included then as a supplier you can expect to be monitored on these clauses, general equalities legislation and any specifics added to the monitoring performance you have been advised of, in addition to the other Contractual KPI's and monitoring requirements. This will include evidencing that you are upholding the equalities act, and specific requirements that might have been set out in the tendering process.

## What we expect of you

As a supplier to the Council, you will be expected to work with us to support and improve Equality and Diversity within the Borough. Ensure that as a minimum you are meeting the Equality Act 2010 by the use of policies.

Our Sustainable and Ethical Procurement Policy sets out minimum, enhanced and preferred standards of expectation. They may be embedded into the specification or through the social value element of the process.

As a minimum we expect you to:

1. Comply with obligations under the Equality Act 2010.
2. Have an up to date policy on Equality and Diversity, that covers all aspects of operations, including the implementation of the policy and how outcomes are monitored.
3. That you collect and analyse workforce monitoring data. Refer to the [Mayor of London's Workforce Data Equality Guide](#) for guidance.
4. That you review recruitment, selection, promotion, training and termination procedures to ensure no discrimination is being practised.
5. That you comply with the Unite Construction Charter (for works contracts)
6. That you deliver services which are accessible and appropriate to meet the diverse needs of citizens and communities. (Service contracts)

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In addition to this we may ask for more enhanced requirements such as:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not
- Not use any form of forces, bonded, indentured, or compulsory labour.
- That as a minimum you will pay all workers minimum wage required by applicable laws and regulations and provide all legally mandated benefits.
- Not to employ children under the age of 15. Where national laws or regulations allow children between the ages of 13 and 15 to perform light work, then this work is not permitted under any circumstances if it would hinder a minor from the completion of compulsory schooling or training, or if the employment would be harmful to their health and development (International Labour Organisation Minimum Age Convention 138).

We also expect you to:

- a) Develop an equal opportunities policy  
The policy should:
  - contain a statement of your organisation's commitment to equal opportunities
  - require all employees to respect and act in accordance with the policy
  - identify a senior employee who is responsible for the policy
  - include a procedure for dealing with complaints of discrimination
  - cover recruitment, promotion and training
  - explain how you will implement, monitor and review the policy
  - be communicated to all staff

*Further information on developing an equal opportunities policy is available on the Commission for Racial Equality's website.*

- b) Monitor your progress in achieving your targets and the objectives of your equal opportunities policy.
- c) Provide training for all people, including managers, throughout your organisation, to ensure they understand the importance of equal opportunities and ensure no discrimination is being practised. Provide additional training for staff who recruit, select and train your employees.
- d) Review recruitment, selection, promotion and training procedures regularly, to ensure that you are delivering on your policy.
- e) Draw up clear and justifiable job criteria, which are demonstrably objective, and job related.

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- f) Do not allow offensive behaviour and language on any of your premises or sites
  - g) Have respectful and safe standards of dress for your staff.
  - h) Have care and consideration for members of the public at all times.
  - i) Offer pre-employment training, where appropriate, to prepare potential job applicants for selection tests and interviews. You should also consider positive action training aimed at groups which are underrepresented in your workforce.
  - j) Examine your existing policies and practices to identify barriers to equal opportunities. Set an action plan for your organisation, with clear targets, so that you and your staff have a clear idea of what you want to achieve and by when.
  - k) Develop links with local community groups, organisations and schools, in order to reach a wider pool of potential applicants.
  - l) Always remember to follow equality legislation in your employment practices, and all areas of your operations, including the performance of works, the supply of goods and the performance of services.
  - m) Consider your organisation's image: do you encourage applications from underrepresented groups in your workforce and feature these groups in your recruitment literature, or could you be seen as an employer who is indifferent to these groups?
  - n) Consider flexible working, career breaks, providing childcare facilities, and so on, to help parents/guardians in particular meet domestic responsibilities and pursue their occupations.
  - o) Consider making changes to working practices and the physical features of your premises in response to the needs of people affected by disability.
  - p) Consider access issues for people in the area of construction or delivery sites (e.g. wheelchairs, prams etc).

We will monitor your adherence to the Equalities requirements to ensure you continue to meet our objectives within the Contract and will ask for evidence at contract review meetings and agenda items.

As a supplier to the Council, you must ensure that any sub-contractors also meet the EqA 2010 and are supporting the Council's Fairer Enfield Policy and Sustainable and Ethical Procurement Policy. You should ask prospective sub-contractors to respond to the questions in our SQ/ITT when assessing the

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capability of a sub-contractor to ensure that the selected sub-contractor meets our equality and diversity requirements.

## What Happens if you do not comply?

Where our contract monitoring indicates breaches of equality requirements, we may discuss this with you and agree steps to rectify this. A serious breach may mean that we will need to use sanctions provided in your contract, but we will initially work with you to understand the problem.

We may, at our discretion:

- Explore whether staffing matters are properly managed
- Discuss and perhaps clarify the equality criteria
- Ask whether there are any different ways to the equality objectives
- Evaluate performance management
- Ask you questions about our partnership working approach

## Next Steps

We recognise as a Council that we are on a journey to improve equality and diversity, and our Fairer Enfield Policy, sets out how we will move forward to create a fairer Enfield.

We are continuously improving how we implement and monitor equalities and diversity in procurement.

In the future we are aiming to:

- Ensure that all procurement has questions/method statements around implementation and support of the councils Fairer Enfield
- All contracts will be monitored to ensure compliance
- Develop monitoring further to include sub-contractors within our supply chain
- Invest in monitoring systems to support the monitoring of Equalities and diversity in Procurement
- Train Council Officer to embed further implementation and Monitoring of equalities and diversity in procurement
- Improve specifications to ensure they take account of the different needs of users, and carry out EQIA's (Equality Impact Assessments) for all procurement projects
- Invest in Social Value Portal to monitor and manage social value through procurement
- Invest in monitoring systems to capture sub-contractor compliance to equalities in procurement
- Move to achieving level of the [Equality Framework for Local Government](#).

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## Appendices

### Appendix 1

Some Examples of Questions you may be asked in the procurement process.

#### Responsible Procurement

Enfield is committed to maximising social value through its procurement activities, as required by the Public Service (Social Value) Act 2012 and as outlined within our Sustainable and Ethical Procurement Policy. This contract has been identified as most relevant to the following mechanisms to achieve social value; (1) targeted recruitment and (2) training and progression opportunities:

After TUPE, what measures will your organisation take to:

- investigate any current gender gap, and if identified, ensure appropriate gender representation at all staffing levels through targeted recruitment/ other forms of positive action to bridge that gap.
- a) target new recruitment opportunities towards socially excluded groups. It is suggested that ex-military service personnel would be a particularly relevant target group,  
**and/or**  
b) target new recruitment opportunities towards individuals residing in Enfield borough.

Answers should include details on how recruitment would be targeted i.e. methods of advertising, use of partner organisations.

#### Diversity of Perspectives

Please describe your process for structuring the project teams you will put forward under this framework to ensure appropriate expertise and diversity of experience and perspectives, which will in turn allow the development of solutions that meet the needs of the client and as broad a range of stakeholders as possible.

### Appendix 2

Fairer Enfield Policy [insert link]

### Appendix 3

Useful documents:

- [Council Plan](#)
- [Fairer Enfield: Equality, Diversity and Inclusion Policy](#)
- [Climate Action Plan](#)
- [An Economy that Works for Everyone: Economic Development Strategy](#)
- [Enfield Poverty and Inequality Commission Report](#)
- [Meridian Water Environmental Sustainability Strategy](#)
- [Meridian Water Employment Strategy](#)
- [Housing and Growth Strategy](#)

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- [Joint Health and Wellbeing Strategy](#)
  - [Modern Slavery Strategy](#)
  - [Modern Slavery Statement 2020](#)
  - Procurement Strategy 2021 – 2023 (draft)
  - [Modern Slavery in Supply Chains](#) (Introduction for procurement professionals)
  - [Modern Day Slavery Act 2015](#) (Overview of the Act focussing on the impact on Supply Chains)
  - [CIPS guide to tackling Modern Slavery in Supply Chains](#)
  - [Transparency in Supply Chains](#) (Government guidance issued under section 54 (9) of the Modern Slavery Act 2015)
  - [Ethical Trading Initiative](#)
  - [Equality Framework for Local Government.](#)