

# Public Procurement Guide to Equality



**A brief guide to the Equality Act 2010**



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The Equality Act 2010 and its Codes of Practice will have dramatic and significant effect on suppliers to Public Bodies and their sub contractors, as well as suppliers to the Private Sector.

The Equality Act 2010 became law in October 2010, The Public Sector Equality Duty applies from 5th April 2011 and the Specific Duties from 31st January 2012. One of the Act's main requirements on public authorities is to publish information to demonstrate their compliance with the equality duty, at least annually"



The Act and Codes of Practice will do this by strengthening the Equality Statutory Duty on Public Bodies and their suppliers through Public Procurement. (*Equality Act 2010, Part II Advancement of Equality Chapter 1 Public Sector Equality Duty Clauses 149 to 157*)



The requirement will demand that all public authorities must, in the exercise of their functions, have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality and foster good relations. This duty applies to a person who is not a public authority but who exercises public functions (*Equality Act 2010, Part II Advancement of Equality Chapter 1 Public Sector Equality Duty Clause 149 (2)*)



## Specific powers in connection with Public Procurement—Equality ACT

The Government's view is that the public sector has an important opportunity to use its purchasing power to promote equality where possible. It believes that it is right that public money is spent on goods and services in a way that advances the Government's public policy objectives on equality.



The general equality duty applies to procurement and commissioning by authorities listed in schedule 19 of the Act (e.g. local authorities, FE and HE bodies, schools, health bodies, police, fire and transport authorities, government departments), regardless of the value of the contract.

European Directive 2004/18/EC applies to the award of public works contracts, public supply contracts and public service contracts. (*European Parliament and of the Council of 31 March 2004* )

## Public Procurement

Over 350,000 suppliers work with public bodies.



According to Government figures the total amount spent by public Procurement amounts to £225Bn. There are approx 25000 organisations who will be subject to an Equality Public Duty (Local Authorities/ NHS/

Central Government etc)



## **Public Sector Procurement, Commissioning and Corporate Departments**

### **The Equality ACT 2010**

The Equality ACT and the Codes of Practice will directly affect you and your Department. You will be under greater examination than in the past and your organisation will be expected to meet the more demanding requirements of the ACT.



### **What you should do**

Find out what the Act will mean in practice. C2E and its Equality Partners have processes in place for Public Bodies to support the Equality Framework for Procurement, Commissioning and Corporate departments.

We can arrange assistance for your organisation including the implementation of Supplier Accreditation Programmes (E-SAP) which will ensure that your procurement, commissioning and corporate departments can meet and manage their duties.



Making sure that your suppliers have Equality Policies and Practices in place and that you can evidence them.

Check your current contracts and the conditions in place.

These will need to be updated.

If you need help ask— you can do this by contacting C2E and learn more about embedding the National Equality Register.



## Suppliers and Sub Contractors to the Public Sector—The Equality Act 2010

The Equality Act 2010 and the Codes of Practice will directly affect you and your organisation. You will be subject to extra scrutiny and more exacting requirements.

No delegation – public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. **It is a duty that cannot be delegated.**

As a supplier to a Public Body you will be required to have evidence of compliance that your equality practice meets a contracting authority's requirements. (*Government Equality Office*)



You will be expected to meet new contractual conditions and MEET your legal duty. That can include compliance with shared statutory equality duties. (*Equality Act 2010, Part II Advancement of Equality Chapter 1 Public Sector Equality Duty Clause 149 (2)*)

### What suppliers should do

Check your current contracts and the conditions that are already in place.

Ensure that you have Equality Policies and Practices in place and that you can evidence them.

If you need help —  
contact C2E and join the  
National Equality Register



## Further information

**C2E and The National Equality Register** —<http://c2e.co.uk>

**C2E Equality Partners**—<http://c2e.co.uk>

**The Equality Act 2010**—[http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga\\_20100015\\_en.pdf](http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100015_en.pdf)



### **Government Equality Office**

—GEO has responsibility within Government for equality strategy and legislation  
<http://www.equalities.gov.uk>

### **Equality and Human Rights Commission**

- EHRC is the statutory body which has the responsibility to protect, enforce and promote equality across the nine "protected" characteristics - age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or

belief, sex and sexual orientation.

The commission has significant powers to enforce the equalities duties of organisations and authorities, including, ultimately, launching official inquiries and formal investigations—

<http://www.equalityhumanrights.com>



## Committed2Equality

Committed 2 Equality is a not for profit organisation, working through its licensed Equality Partners.

C2E Diversity Assured is a National Equality Standard, designed for organisations to enable them to reach their equality potential and demonstrate their equality and diversity working practices.

The C2E Standard validates actions and engages with organisations helping to build knowledge and a greater understanding of equality and diversity issues in the workplace and in community.

In attaining the C2E Standard, achieving equality at work and improving competitive advantage, organisations are supported by C2E's Delivery Network providing the value added proposition, knowledge and expertise.



- C2E supports organisations to meet the contractual requirements of Public Bodies, Local Authorities and Central Government and will verify compliance with their equality and diversity duties as suppliers
- C2E supports organisations in building the skills necessary to manage their equality and diversity practices in a responsible manner
- The C2E Standard and Accreditation demonstrates and evidences organisation's equality and diversity practices
- C2E is a Founder Member of The Association of Equality Scheme Providers (AESP) and subscribes to the AESP Code of Conduct

For more information on C2E and our Equality Partners—  
[www.c2e.co.uk](http://www.c2e.co.uk)



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