

# Equality in Procurement

Guidance for external providers of service to St. Leger Homes of Doncaster

*Quality Homes in Quality Neighbourhoods*

[stlegerhomes.co.uk](http://stlegerhomes.co.uk)



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## Guidance for external providers of service to St. Leger Homes of Doncaster

St. Leger Homes is committed to equality of opportunity in the provision of services throughout Doncaster and across all departments. It is important that we strive to ensure the services we provide are accessible to everyone, fit for purpose and deliver value for money.

We also expect our partners, contractors and suppliers to be aware of their legal obligations and to be able to demonstrate their commitment to equal opportunity. We also expect them to be aware of St. Leger Homes' equality and diversity policies, which can be found on our website [www.stlegerhomes.co.uk](http://www.stlegerhomes.co.uk).

All organisation wishing to provide works, goods or services to us on our behalf must be able to demonstrate that all reasonably practicable steps have been taken to allow equal access and treatment in employment and delivery of services throughout the life of the contract.

The following pages detail how our policy will be applied and what it means in practice for potential providers of services to St. Leger Homes.

### Why do I or my company need to take equality in to account?

Organisations providing a service to, or on behalf of St Leger Homes must carry out their duties in accordance with UK legislation governing race, gender, transgender, disability, religious belief, sexual orientation and age.

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

The questions detailed in the Company Questionnaire will be asked at some stage in the procurement process, usually at the Pre Qualification stage, when external providers are invited to submit relevant information which will be assessed as part of the evaluation process. These questions will also be asked again on an annual basis as part of the Contract Strategic Review.

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

St. Leger Homes actively promotes Equality and Diversity and wishes to work with suppliers whom have a similar ethos. Whilst it is not a legal requirement to answer 'yes' to all the questions, your responses will be assessed as part of the evaluation process.

### We do not have a written equal opportunities policy. Does this mean we will be excluded from the procurement?

St. Leger Homes' approach is to strongly encourage potential suppliers to demonstrate a commitment to equalities. Whilst small businesses may not have a formal written policy we encourage best practise in this area and you responses to the questions will be assessed as part of our selection process.

## European Union Procurement Contracts

Services and supplies equal to or above £156,442 (193,000 euros)

Works equal to or above £3,927,260 (4,845,000 euros)

Current Thresholds active from 31st January 2010

NB. Please check current thresholds if the date above has expired on [www.bipsolutions.com](http://www.bipsolutions.com)

### 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, St. Leger Homes will make explicit in OJEU (Official Journal of the European Union) notices for a contract that the successful contractor will be required to comply with additional questions pertaining to equal opportunities

### Standard Contract Clauses

The service provider shall not unlawfully discriminate within the meaning and scope of the provisions of the Equal Opportunities Act 1975, the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1998 and 2005, the Race Relations (Amendment) Act 2000 or any other legislation which prohibits discrimination of any kind by an employer or provider of services to the public.

The service provider shall take all reasonable steps to secure that all servants, employees, agents or sub-contractors of the service provider employed in the provision of the Services do not unlawfully discriminate.

The service provider shall indemnify and keep indemnified St Leger Homes and the Council against all claims, costs awards and fees arising from or relating to any claims under the Equal Opportunities Act 1975, the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1998 and 2005, the Race Relations (Amendment) Act 2000 or any other legislation as aforesaid brought against St Leger Homes or the Council by any employees of the service provider.

### Will additional equality clauses also be included in the contract?

Additional clauses relating to equality of opportunity in relation to service delivery will also be included, where for example the service is being provided to certain target groups.

# Questions for suppliers

It is not a legal requirement for a company to answer 'YES' to all the questions before they will be considered for an Invitation to Tender Pack. In addition any enforcement action will not disbar your company from a tender exercise, but failure to disclose will.

The following questions will be asked during the tendering process, when contractors are invited to submit relevant information, which will be assessed.

We will take your answers to the following questions into account in our selection process. Great importance will be given to the answers given to questions marked with an asterisk\*

1	<p>As an employer, do you follow the Race Relations Act 1976, and, Race Relations (Amendment) Act 2000, and accordingly is it your policy and practice not to treat any person less favourably because of their colour, race, nationality or ethnic origin when you are recruiting, training or promoting employees?</p> <p>YES <input type="checkbox"/>      NO <input type="checkbox"/></p>
2*	<p>In the last 3 years, has any court or industrial tribunal found that your firm has discriminated against someone because of their race?</p> <p>YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p>If YES please provide further details and the action taken to prevent further occurrence on a separate sheet.</p>
3*	<p>In the last 3 years, has your organisation been investigated by the Commission of Racial Equality because of allegations of unlawful discrimination?</p> <p>YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p>If YES please provide further details and the action taken to prevent further occurrence on a separate sheet.</p>
4	<p>As an employer, do you follow the Sexual Discrimination Act 1975, the Equal Pay Act 1975 and the Sex Discrimination Act (Gender Reassignment) Regulations 1999?</p> <p>YES <input type="checkbox"/>      NO <input type="checkbox"/></p>
5*	<p>In the last 3 years, has any court or industrial tribunal found that your firm has discriminated against someone because of their Sexual Orientation?</p> <p>YES <input type="checkbox"/>      NO <input type="checkbox"/></p> <p>If YES please provide further details and the action taken to prevent further occurrence on a separate sheet.</p>

6

As an employer, do you follow the Disability Discrimination Act 1995?

YES

NO

7\*

In the last 3 years, has any court or industrial tribunal found that your firm has discriminated against someone because of their disability?

YES

NO

If YES please provide further details and the action taken to prevent further occurrence on a separate sheet.

8

Is your policy on equal opportunities set out in the following?

(a) instructions given to people you are recruiting, training and promoting

YES

NO

(b) documents available to employees, recognised trade unions or other employee groups

YES

NO

(c) in job adverts

YES

NO

Please provide copies of all documentation relating to the above.

9

Does your company observe, as far as possible, the Commission for Racial Equalities Code of Practice for Employment as approved by Parliament in 1983, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment, including the steps that can be taken to encourage members of the ethnic minorities to apply for jobs or take up training opportunities.

YES

NO

## Contacting us

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