

WARWICK DISTRICT COUNCIL

Equality in Procurement Policy

Revision History

Document	Warwick District Council (WDC) Equality in Procurement Policy
Author	Rebecca Reading, Strategic Procurement & Creditors Manager
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Version	Revision Date	Revised By	Revisions Made
1.0	03/12/2024	RR	Revised to accommodate additional requirements set out in the Procurement Act 2023 and associated regulations.
1.1	10/12/2024	Daniel K	Changes and comments added to align policy to Equality and Diversity and Inclusion Policy statement
1.2	12/02/2025	RR	Reviewed by SLT Procurement Sub-group
1.3	04/08/2025	RR	Reviewed by SLT
1.4	05/08/2025	RR	Reviewed by Procurement Champions

Approvals and Distribution

This document requires the following approvals:

Name	Date
SLT	August 2025
Procurement Champions	August 2025
Cabinet	Sept 2025
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All Members	Oct 2025

1. Policy Statement

Warwick District Council's 'Equality and Diversity policy statement' demonstrates a clear commitment to equality of opportunity for all.

The Council is fully committed to a policy which recognises the rights of individuals to equality of opportunity, equality of access, and freedom from discrimination. We consider these to be fundamental rights and, as a major supplier and service provider in the area, we have a duty to lead on and promote these rights throughout the district.

The Council requires that any supplier or contractor doing business with the Council shares this commitment by offering equality of opportunity, and operating in a non-discriminatory manner, both through employment practices, supply chain management and contract delivery.

2. The Council's commitment to Equality in Procurement

The Council provides a wide range of services to the community and businesses in the district. In some cases, these are provided directly by the Council, in other cases on our behalf by contractors. Each year the Council enters contracts worth many millions of pounds for buying goods, works and services on behalf of the Warwick district community. Therefore, the services provided to the community should be geared towards their diverse needs and requirements.

Warwick District Council recognises its responsibility and commitment to ensuring equality in all its activities. Any supplier working for and on behalf of the Council, or any organisation receiving grants from the Council to procure a supplier, must demonstrate their compliance with the Procurement Act 2023, Equality Act 2010 and subsequent legislation.

Any contract that the Council enters should reflect its range of needs by ensuring that the services provided are tailored to our community. Therefore, it is important to the Council that equality and diversity are reflected in all our procurement procedures, and particularly those that impact most on the community.

The Council procures externally sourced goods, works and services. Whilst a contractor themselves must not discriminate, the Council's duties include not only ensuring discrimination does not occur, but also actively promoting equal opportunities and good community relations. To do this, the Council has built relevant equality considerations into the procurement process.

Contractors, and potential contractors, need to be aware of the legal duty placed on the Council since it has implications for them.

By promoting Equality and Diversity in procurement, the Council should:

- Improve the overall value for money for the Council in terms of the goods, works and services they purchase
- Improve the quality, responsiveness and appropriateness of our services.

- Ensure that public money is not spent on practices which lead to unfair discrimination to sections of the district.
- Create a diverse and integrated workforce.
- Deliver more responsive and flexible services in combating social exclusion and building stronger and cohesive communities.
- Encourage other organisations to promote and practice the Council's policies on equality.
- Deliver services that meet the needs of residents of the district
- Improve employment conditions

3. Procurement Practice and Procedure within Warwick District Council

When to include equalities in procurement projects

- **Mainstreaming** - Equality should be directly related to corporate objectives, planning, and service provision.
- **Relevance** - Where there is potential for a contract to have an improved impact on equalities it becomes your duty to promote equalities through the procurement. Consider all elements of the contract, not just those which are most obvious.
- **Proportionality** - The actions you take to ensure equality should relate to the likely impact, and size, of the contract. You cannot ignore smaller contracts, but simpler procedures may be more appropriate.
- **Risk assessment and accountability** - The more relevant the contract is to the Council's duty to promote equalities, the more risk there will be in not acting. Some risk can be transferred to contractors, but responsibility stays with the Council.

The Council will ensure equal treatment of potential supplier by:

- Ensuring all Officers and members are educated in the Procurement Act 2023, and its requirements on equal treatment of suppliers, removing bias, both positive and negative, and conflicts of interest.
- Being transparent in all pre-procurement and premarket engagement activity with potential suppliers, including incumbents, and publishing a Preliminary market engagement notice for procurements above the UK threshold for Goods and Services.
- Completing and maintaining a conflict-of-interest assessments for all procurements and compiling a conflicts of interest assessment for all procurement projects above the UK threshold for Goods and Services.

The Council will consider in its tender evaluation and contracting processes, a potential contractor's approach to equalities in terms of its employment practices and service delivery. It will do this by asking potential contractors relevant questions and include appropriate provisions in its contract documents relating to these matters. The response to these questions will be evaluated as part of the selection process. The impact of the procurement regarding the promotion of equalities within service delivery and employment opportunities will also be monitored and managed during the life of each contract.

At the Invitation to Tender stage, the Council will seek information as to the general competence, track record, details of criminal offences and acts of grave misconduct in relation to previous and current equalities legislation. Contractors will be excluded from the tendering exercise if they have been convicted of a criminal offence or have committed an act of grave misconduct.

Tenderers will also be asked to sign and return Appendix One

4. Suppliers working with Warwick District Council

The contractor/organisation must:

- ensure that all providing, receiving or benefiting from the service are treated fairly, have access to the same opportunities and without discrimination.
- ensure that no person is treated less favourably on the grounds of their sex, sexual orientation, marriage or civil partnership, race, colour, nationality, ethnic or national origin, religion or belief, age, disability, gender re-assignment, pregnancy and maternity or any other grounds which cannot be justified.
- comply with all relevant legislation and keep up to-date with all developments and changes in legislation
- consider the relevance of equality provided for within your contract and make sure you understand in broad terms what it means for your organisation.
- have an up-to-date equality policy covering employment, supply chain and contract delivery issues.
- take steps to maintain equality standards specified throughout the length of any awarded contract.
- comply with the principles and rules laid out in the Council's Equality Charter (Appendix 1)

5. Process for checking supplier compliance

Equalities is a core requirement of a contract where services are provided directly to the public or where indirectly or directly the Council has a duty to promote equalities.

The Council will check a contractor's compliance with equalities issues in two ways:

- Prior to Contract Award - by asking the equalities questions and requiring documentary evidence to support the answers. If the answers and evidence do not, after evaluation, satisfy the West Midlands Common Standard for Equalities in Public Procurement, the contractor may not be granted entry onto a tender shortlist or awarded a contract.
- After Contract Award - by including contract conditions on equality in all Council contracts and by monitoring a contractor's performance and compliance against the commitments made within the tender.

6. Goods and Works not just Services

While equality is more likely to be relevant to contracts for services, we should not assume that it will not be relevant to contracts for goods or works. Please note the Disability Discrimination Act covers the provision of goods as well as services.

6.1 Contracts for Services

Equality is a core requirement when it is an essential part of the contract and relevant to your duty to promote when:

1. It involves direct contact with the public, as in parking control, revenue collection or the protection of property, council tax or debts, or security services.
2. A service combines technical performance with direct provision to the public, as in transport and care services
3. Services involve the repair, maintenance, or cleaning of premises, equipment, or plant that the Council owns or controls, where the service requires awareness of different languages, religious, cultural factors, or accessibility of services to disabled people.
4. Services, such as staff canteen, staff sports facilities, and staff training which are provided for the benefit of Council employees.
5. Staff are transferred to a contractor under TUPE (Transfer of Undertakings Protection of Employment Regulations).
6. Dealing with 'Supported Employees'.

6.2 Contracts for goods

1. Our primary concern is likely to be that the goods are 'fit for purpose' and that they meet quality standards.
2. In certain contracts, to be fit for purpose, it will be a core requirement that the goods should be capable of meeting the needs of particular groups e.g. people with a disability.
3. We shall not provide goods on less favourable terms, e.g. to people with a disability.

6.3 Contracts for works

1. Identify if equality is core to the requirement.
2. In contracts for works, the conduct of a contractor's employees towards Council staff and towards members of the public is relevant to the duty.
- 3.** Works must comply with the Disability Discrimination Act on ensuring access.