

## Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	Update of the Council's Procurement Rules (Dec 2019)
Directorate and Service Area	Resources Directorate / Strategic Procurement and Supplier Relations Service
Name of Lead Officer	Steve Sandercock

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

The current Procurement Rules (the Rules) form a key part of the Council's Constitution setting out how the Council tenders and contracts for with third party suppliers. In doing so the Rules Public Contracts Regulations 2015 ('PCR') require:

- non-discrimination
- free movement of goods
- freedom to provide services
- freedom of establishment

General principles of law the following apply in how procurement is to be undertaken:

- equality of treatment
- transparency
- mutual recognition
- proportionality

The objectives and outcomes of the Procurement Rules are to direct how spending is carried out in a transparent and open manner delivering value for money taking into account proportionality and risk.

The Procedure Rules are the overarching framework for how third party spend is procured and managed, and therefore it applies to all those involved in the

tendering and contract management processes for the Council.

The Rules were last fundamentally reviewed in January 2018. With the Rules being in place for a period of over 18 months it is an appropriate timeframe to review.

It should be noted that whilst the considerations around changes to Council's current Rules come at a time of uncertainty around the shape of the UK's future relationship with the EU (e.g. BREXIT) regardless of outcomes in relation to this and timings of any outcomes, the overriding legislative framework will remain predominantly unchanged for a period. As such make changes to the Council's Rules now will likely be unaffected by any outcomes, certainly in the short-term.

## **Step 2: What information do we have?**

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

### **2.1 What data or evidence is there which tells us who is, or could be affected?**

The review and resulting documents take into account the overall principles of the Public Contracts Regulation around transparency and equality. From a process perspective the main stakeholders impacted will be suppliers and contractors in terms of the processes outlined in the overarching framework and how these are applied.

In addition the users of the contracts will also be impacted but this would be part of the overall considerations in how goods, services and works are specified (and protected characteristics would fall into this consideration).

### **2.2 Who is missing? Are there any gaps in the data?**

n/a

### **2.3 How have we involved, or will we involve, communities and groups that could be affected?**

There will be a supporting Communications and Engagement Plan as part of the wider roll out will be to communicate the changes effectively with both incumbent suppliers but also potential new suppliers, either direct with the Council or as part of an extended supply chain with the Council's main suppliers.

### Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

The proposed Procurement Rules provide the foundations to ensure that equality considerations and impacts around protected characteristics are proactively thought off and taken into account in the delivery of the resulting tendering and contracting processes themselves. Compliance with the Rules will be mandatory. In addition there is also clear policy around when / how exemptions to the Rules should be considered.

3.2 Can these impacts be mitigated or justified? If so, how?

The development of the revised Rules has seen considerable consultation undertaken across the Council and reflected in updates of the documents. This includes both direct discussions with key senior managers who would be responsible for applying the new Rules / Procedures, plus with key subject matter experts e.g. Legal, Audit, Finance.

From an external consideration the Strategic Procurement and Supplier Relations Service has taken into account ongoing feedback from suppliers as part of the day to day activity.

In the event that documents are required in different language this would be facilitated as part of any formal procurement.

To support the wider role out there will be a robust communication and engagement plan around the changes, what the expectations are to deliver in line with the new Procurement Rules, and where more information, help and support can be found. This will include supporting information such as webinar, Internet / Intranet access to the documents and guidance plus training and drop-in sessions both for suppliers and Officers / Members.

To ensure fairness and transparency the documents and guidance take into account and comply with the Public Contracts Regulations.

3.3 Does the proposal create any benefits for people with protected characteristics?

Overall the positive impacts are that the Rules provide a framework and supporting guidance promote transparency and probity in how the Council undertakes its business, and by being clear how this is set out it should help reduce reputational damage by the Council's overall conduct. The Rules enable wider Strategic objectives of the Council to be considered as part of procurement arrangement that will enable and maximise overall value for money in how spend is undertaken.

Having consistency in how procurement and tendering activity is undertaken provide a common framework to ensure that equality matters are proactively considered as part of the process from the commissioning stages, through to the actual procurement process and ultimate delivery in the contract itself.

There is additional benefit indirectly through the Rules having due reference to Social Value and the application of the Council's Social Value Policy in how it undertakes contracts with third party suppliers.

3.4 Can they be maximised? If so, how?

Application of Social Value and the measuring of tangible benefits delivered through third party contracts. In addition the Rules set out clear expectations and approach in when and how Local Suppliers are considered as part of procurement processes, and where Local Suppliers are awarded relevant contracts this will in effect as a direct and indirect consequence have a positive on the wider Bristol economy.

#### **Step 4: So what?**

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal?


The application of the Procurement Rules should include delivery of third party contracts that have tangible and measurable outcomes to Social Value that sets out social, environmental and economic benefits to communities in and across Bristol.

4.2 What actions have been identified going forward?

As per 4.1 and 4.3

4.3 How will the impact of your proposal and actions be measured moving forward?

A performance and reporting framework for the Strategic Procurement and Supplier Relations Services is to be put in place which will support the overall measures around delivery under the Rules. This will include contracts with local suppliers and numbers of contracts that are waived and tangible benefits returned in regards to Social Value.

Service Director Sign-Off:  Denise Murray	Equalities Officer Sign Off: <i>Reviewed by Equalities and Community Cohesion Team</i>
Date: 13/11/2019	Date: 11/11/2019