

# EQUALITY AND DIVERSITY IN COMMISSIONING POLICY

## Policy Document Purpose Statement

This document forms a basis for the Colleges Responsible Procurement requirements.

## Application

The objective of this document is to align, monitor, evaluate and improve the procurement practices of the College.

## Interpretation

Further guidance on the use or interpretation of this policy may be obtained from the responsible post holder.

## Legislator / Regulatory Compliance

Compliance with relevant current Health and Safety legislation, General Data Protection Regulations and other legislation / regulations named within the body of the document.

## Publication Restrictions

This document is for internal use but can be shared with external bodies if requested.

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# EQUALITY AND DIVERSITY IN COMMISSIONING POLICY

## 1. Introduction

- 1.1. The Cornwall College Group (TCCG) has campuses in Camborne, Newquay and St Austell and also as part of The Cornwall College Group, has specialist land-based and marine partner colleges, Duchy College, Bicton College and Falmouth Marine across the region. We also have a dedicated Engineering Skills Centre in Plymouth, a Professional Skills Centre at St Mellion Resort and a training partnership with the world famous Eden Project. We offer the widest range of specialist vocational training for everyone in Cornwall and beyond and we are responsible for making sure that TCCG's needs are met by the many services that we offer through our contracts with suppliers and partners.
- 1.2. Our districts also contain a vast mix of different businesses and we recognise that we can influence the impact that we can have on those businesses in developing them to become our suppliers. We are committed to making sure that our suppliers represent the range of diversity that can be found in our areas.
- 1.3. What is equality and diversity?
  - 1.3.1. Equality: means treating people equally and with fairness and respect.
  - 1.3.2. Diversity: means recognising and giving regard to people's different backgrounds and taking account of their needs.
- 1.4. What are our obligations?
  - 1.4.1. The Equality Act 2010 is anti-discrimination legislation that places a duty on us to make sure that the contracts that we award to suppliers meet the needs of service users and it can be used to consider ways that we might improve our local economy, get better value for money and deliver better services.
- 1.5. What is the purpose of this policy?
  - 1.5.1. This policy can be read by suppliers seeking to understand how we will demonstrate our commitment to delivering equality and diversity outcomes through our contracts and by our staff seeking to understand how to include equality and diversity considerations in our tender processes.
- 1.6. Our priorities
  - 1.6.1. Our priorities in relation to equality and diversity in commissioning are:
    - to tackle inequality of access to our services
    - to support our local suppliers in applying for our contract opportunities
    - to award contracts to a diverse mix of suppliers
    - to pass equality and diversity obligations down the supply chain
    - to design services that best meet the needs of service users.
  - 1.6.2. Thinking about equality and diversity in commissioning in these terms can help suppliers understand what we might be looking for in the delivery of our contracts and TCCG staff to understand how to build in these considerations when tendering.

## 2. Equality & Diversity in the Tender process

### 2.1. Introduction

- 2.1.1. We must consider equality and diversity at all of the stages of the commissioning or procurement cycle; whilst planning our activities, carrying them out and reviewing them once completed.
- 2.1.2. We will identify opportunities for tackling inequality of access to our services and designing appropriate services at the pre-procurement stage of the process (prior to tendering) through:
  - the assessment of needs
  - service user consultation
  - partner agency consultation
  - market engagement.
- 2.1.3. We will embed the principles of equality and diversity in to our procurement practices
  - include equality and diversity considerations throughout the tender process through:
    - the specification
    - the tender questions
    - contract and performance management.

### 2.2. Pre-procurement

- 2.2.1. Activities that we will complete prior to tendering include:
  - considering if the contract will be able to help us meet the goals of our responsible procurement strategy and any other relevant organisational policies
  - involve local partner organisations in the design of services which include equality and diversity outcomes
  - consult with service users on their needs and the outcomes that they would like to see from the contract
  - agree equality and diversity outcomes that are linked with our group strategy
  - work with suppliers to understand how we can improve access to our contract opportunities work with suppliers to explore ways of increasing collaboration and partnership between different sectors of the market.

### 2.3. The specification

- 2.3.1. To make sure that we get the specifications for our contracts right we will:
  - consider the degree of importance that equality and diversity is to the contract and therefore the relative degree of importance that should be given to this in the specification
  - include equality and diversity requirements in the specification in a way that is measurable.

### 2.4. The tender documents

- 2.4.1. We will take account of equality and diversity in our tenders by:
  - including the standard 'selection' questions on equality and diversity where relevant
  - including additional equality and diversity evaluation criteria where relevant
  - considering the relative importance of the equality and diversity evaluation criteria and assigning the appropriate weighting (mandatory 10% for over financial threshold

in the majority of cases, where the weighting exceeds 10% we will explain the reasons for this in our tender documents).

- making sure that the equality and diversity outcomes that we are looking to achieve can be delivered by any applicant to a tender process
- including equality and diversity terms and conditions in our contracts, where appropriate
- making sure that our tender documents are accessible by all sectors of the market.

## 2.5. The tender stage

2.5.1. To make sure that we maximise the chances of under-represented sectors of the market winning our contracts, where appropriate, we will:

- ensure that the tendering requirements are not disproportionately onerous
- include evaluation criteria that do not favour only the large suppliers
- identify ways of building these suppliers' capacity to bid, including hosting supplier events during the tendering process, attending local 'meet the buyer' events and answering clarification questions promptly and thoroughly
- advertise contracts on our InTend electronic tendering system, in Contracts Finder and in the new Find a Tender (replacing above threshold OJEU) where relevant.

## 2.6. Contract management

2.6.1. To make sure that our suppliers are delivering their equality and diversity commitments we will:

- hold review meetings with suppliers to make sure that the contract is being delivered to the specification
- work with our suppliers to find ways of enhancing our contracts throughout their lifetime
- monitor our suppliers' delivery of equality and diversity outcomes in the course of their service delivery.
- To meet our other obligations in relation to contract management we will:
- include equality and diversity criteria in our tender evaluation methodologies, where appropriate
- provide equality and diversity outcomes in our contracts with suppliers
- monitor our suppliers' ongoing compliance to our equality and diversity objectives
- spend at least 33% of our total procurement budget with micro, small and medium size businesses, social enterprises and voluntary / community organisations.

## 2.7. Checklist for staff

2.7.1. Below is a checklist that can be used to prompt us to take proper account of equality and diversity in our tender processes:

- consider what equality and diversity benefits can be achieved through the contract
- consult with partner agencies, services users and the market about how best the contract can be delivered
- make sure that the process reflects our approach to equality and diversity as described in this document and TCCG's responsible procurement strategy
- include measurable equality and diversity requirements in the specification
- make reference to the relevant legislation on equality and diversity in our specifications and contracts

- include evaluation criteria and weightings on relevant equality and diversity considerations in the tender documents
- make sure that there are sufficient resources allocated to managing the contract
- ensure that there are simple ways of measuring performance of the supplier's ongoing commitment to equality and diversity

### 3. Related Documents

- Counter Fraud Policy and Response Plan
- Financial Regulations
- Anti-bribery Policy
- Staff Code of Conduct
- Governors Code of Conduct
- Whistle-blowing Policy
- Disciplinary Policy
- Conflict of Interests Policy
- Procurement Strategy\*
- Sustainable Procurement Policy Procedure\*
- Sustainability in Commissioning Policy\*
- Social Value Policy\*
- Ethical Sourcing Policy\*
- Health & Safety in Commissioning Policy\*
- Responsible Procurement Strategy\*
- Safeguarding in Commissioning Policy\*
- Responsible Procurement Guidance for Suppliers\*

\* Procurement related policies / procedures