

Procurement and the Equality Duties.

What are the main issues?

Brent is one of only two local authorities in the UK with the majority of its population from ethnic minority communities. The council has a strong tradition of celebrating the diversity that exists within the borough. Ensuring that all residents are treated fairly irrespective of their race, disability, gender, sexual orientation, age or belief is a core priority in every aspect of its work.

The council are also required to comply with statutory obligations in relation to equalities. The Disability Equality Duty (DED) came into force in December 2006. It ensures that all public bodies pay due regard to the promotion of equality for disabled people in every area of their work. Similarly the Gender Equality Duty came into force on 6 April 2007, this places a statutory duty on public authorities, when carrying out their functions, to have due regard to eliminate unlawful discrimination and harassment and promote equality of opportunity between men and women. Under the Race Relations Amendment Act 2000 (RRA) all public bodies including councils have a duty to outlaw discrimination within all functions of local authorities.

All legislation has now been brought together under the Single Equalities Act. To ensure that the council meets the requirements of the legislation, the council has voluntarily signed up to the Equality Standard for Local Government. This is a best value indicator to enable councils to mainstream age, disability, gender, race, religion or belief into council policy and practice. There are five levels of development Brent is currently working toward level three.

Under the equalities legislation Local authorities must build relevant equality considerations into the procurement process to ensure that all their functions meet the requirements of the duties, regardless of who is carrying them out. This means that councils must also ensure that contractors who carry out work on their behalf do not discriminate.

Every year the council procures approximately £210 million worth of goods and services contracts with private and voluntary organisations for goods, works and services for Brent residents. The council needs to ensure that this process is open and accessible to all.

For example in relation to the race equality duty which has been around the longest approximately 10% of these contracts are with Black and Minority Ethnic (BME) organisations. This places Brent behind the London average for procurement between councils and BME businesses, which is around 20%.

The council's corporate procurement strategy recognises the need to overcome barriers to procurement. The strategy has set out a number of interventions to help engage more BME businesses in the procurement process. This includes training workshops and developing an internet based selling to Brent guide. The corporate Procurement Unit are also working with

the Diversity team to produce guidance to support the council's equality and diversity policy objectives and its obligations in terms of equality.

The challenge for the council is that many of the organisations that are currently successful in procuring services with the council are larger businesses while BME businesses are overwhelmingly more likely to be Small and Medium Size enterprises employing less than fifty people.

The corporate procurement unit has found through holding BME workshops that to improve the competitiveness among this sector there is a need to develop the skills and expertise. Many need support to develop IT skills and further training on how to complete the procurement process.

If more local businesses are supported in providing a competitive tender for local contracts this can help the council fulfil its objectives both in terms of regeneration in boosting local business and providing more local jobs and sustainability with more goods and services sourced locally.

Similar issues could exist for all the areas of diversity. This review could look at the existing procedures and identify where there are gaps and what actions could be taken.

Why are we looking at this area?

An overview and scrutiny task group could usefully review the council's current procedures to ensure that they are complying with the different duties. As a diverse borough the council seeks to go beyond the minimum requirements and be a lead authority in all aspects of diversity. The review could consider additional ways that the council could support different groups in participating in the procurement process.

What should the review cover?

Look at the extent to which the council is meeting the equality standard in relation to procurement across the six areas of age, disability, gender, race, religion or belief and sexual orientation.

Consultation with relevant groups to understand the support that they require to compete more effectively in the procurement process

Gather good practice from other councils on equality within procurement strategies

What could the review achieve?

Help the council reach level three of the equality standard

Ensure that robust equalities procedures are built into the procurement process.

Recommendations could inform the equality guidance that is being prepared by the procurement and diversity teams.