

EQUALITY IMPACT ASSESSMENT

SCREENING DOCUMENT

Name of Proposal

PROCUREMENT ANNUAL REPORT 2018/19 AND
PROCUREMENT STRATEGY REVIEW 2019/21 (Report
369/19)

Lead Department/Service

FINANCE SERVICE

What is the aim of the proposal?

This report and the accompanying Angus Council Procurement Annual Report 2018/19 and reviewed Angus Council Procurement Strategy 2019/21 presents the Council's second statutory annual procurement report and review of the Council's Procurement Strategy under the Procurement Reform (Scotland) Act 2014 and recommends both for publication.

The Council's first statutory annual procurement report 2017/18 and the review of its procurement strategy 2018/19 were reported and approved by Angus Council at its meeting on 14 June 2018 (Report 191/18 refers).

Is this a new or a review of an existing policy, procedure, function or report?

This is a new procurement annual report but a review of an existing procurement strategy

Screening Process

1. Has the proposal already been assessed for its impact on age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? **If yes, go to 1 a. If no, go to 1 b.**

1 a. Unless there have been significant changes, no further action is required. **Please add your name, position and date below at 3.**

1 b. Does the proposal involve or have consequences for the people the council serves or employs? **If yes, go to 2. If no, go to 1 c.**

1 c. Please state why not

The proposal is not relevant and no further action is required. Sign and date below at 3.

2. Is the proposal relevant to one or more of the protected characteristics? **If yes, go to 2 a. If no, go to 2 b.**

2 a. Proceed to Step 1 of the Full Equality Impact Assessment on page 2.

2 b. Please state why not

The proposal not relevant and no further action is required. Add your name, position and date below at 3.

3. Name:

Position:

Date:

FULL EQUALITY IMPACT ASSESSMENT

Step 1

Are there any statutory legal requirements affecting this proposal? If so please describe.

Section 15 of the Procurement Reform (Scotland) Act 2014 (the "2014 Act") requires any public organisation, which has an estimated total value of regulated procurement spend of £5 million or more (excluding VAT) in a financial year, to prepare and publish a procurement strategy. Such organisations must also publish an annual report within 4 months of the end of their financial year and carry out an annual review of their procurement strategy.

The function of the Council's annual procurement report is to:

- aid stakeholder (citizen and government) visibility of procurement activities
- be a mechanism for conveying how the Council is meeting legislative procurement requirements; and
- outline how the Council's procurement activity is contributing to the delivery of its broader aims and objectives.
- address all of the commitments contained in the Council's procurement strategy and support the annual review of the strategy.

The function of the Council's procurement strategy is to:

- underpin the Council's strategic plan, comprised by the Angus Local Outcomes Improvement Plan/Corporate Plan and provide a strategic focus for our procurement activities.
- set the context in which the Council will work to ensure that procurement delivers value for money and directly contributes to the achievement of its broader aims, objectives and, where relevant, those of our Angus Community Planning Partnership.
- demonstrate how the Council ensures it has considered the wider social, economic and environmental aims of procurement in a consistent manner as required by the sustainable procurement duty under the 2014 Act.
- to help businesses understand what is important to the Council in the performance and delivery of a contract.

Step 2

What data/research is available to assess the likely impact of the proposal?

None

Step 3

Is there any reason to believe the proposal could affect people differently due to their protected characteristic ie age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? Please **place a cross** in each box that applies, and give details alongside.

Age	<input type="checkbox"/>	_____
Disability	<input type="checkbox"/>	_____
Gender	<input type="checkbox"/>	_____
Gender Re-assignment	<input type="checkbox"/>	_____
Pregnancy/maternity	<input type="checkbox"/>	_____

Marriage and civil Partnership	<input type="checkbox"/>	_____
Race	<input type="checkbox"/>	_____
Religion and belief	<input type="checkbox"/>	_____
Sexual orientation	<input type="checkbox"/>	_____

Step 4

Is there evidence to suggest that any part of the proposal could unlawfully discriminate against people? If so, how?

Step 5

Can the proposal be seen to favour one section of the community

Yes ☐ No ☒

or deny opportunities to another?

Yes ☐ No ☒

If yes, please give details.

Step 6

Does the proposal advance or restrict equality?

Yes ☒ No ☐

If yes, give details

The procurement strategy refers to and incorporates the Council's internal policy response to:

- the unified public sector general equality duty under the Equality Act 2010 (to pay 'due regard' to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
 - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not); and
- The specific duty under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 to consider the application of award criteria and conditions in relation to public procurement to help it better perform the general equality duty.

As set out in Procurement Guidance Note (PGN) 36 Equalities and Procurement. That policy was approved by Angus Council's Policy & Resources Committee at its meeting on 2 December 2014 (Report 494/14 refers).

The policy response as set out in that PGN promotes equality in terms of the following guiding principles:

- Angus Council can and should promote good practice on equality matters with our suppliers and provide guidance & information to them (see Annex 1) in this regard.
- We should only seek information from suppliers when we're going to use it to evaluate them.

- Evaluation of equalities experience / past performance of our suppliers is predominantly about the quality of the supplier's organisation and staff so equalities' track-record should be evaluated as part of supplier selection (i.e. at pre-qualification stage), not tender evaluation).
- Imposing a "standard term" contractual obligation on suppliers to comply with discrimination law is not always enough on its own – those setting requirements for the Council (particularly for public-facing services) must make sure that diversity and equality issues are considered while the contract specification is being designed.
- Where specification of equalities performance requirements is necessary, it will rarely be possible to specify performance standards exhaustively with all necessary quality "built-in" so therefore will normally require qualitative tender evaluation and stipulation of weighted equalities criteria.
- The specific duty only formally applies to EU value procurement. However, the general duty applies to all Council functions including procurement and at all levels and for all procedures. The good practice on equalities and procurement set out in this PGN should be applied below EU level as well but not to "low value" procurement exercises – this is on a proportionate basis.

Step 7

Are there any other actions which could have been taken to enhance equality of opportunity?
If so please state

n/a

Step 8

Based on the work you have done, rate the level of relevance being allocated to this proposal.

High ☒ Medium ☐ Low ☐ Unknown ☐

Step 9

If during **Steps 3 - 6** there has been an adverse impact identified, consider whether this can be justified.

Yes ☐ No ☐

If yes please give details.

n/a

If no, consider alternative ways of delivering the proposal to minimise negative impact or eliminate unlawful discrimination. Give details of the changes to be made to the proposal.

n/a

Step 10

Do you need to carry out a further impact assessment?

Yes ☐ No ☒

If yes, what actions do you need to take?

n/a

Step 11

Make arrangements to monitor and review the impact assessment.

The impact assessment will be monitored annually along with the statutory annual review of the Council's procurement strategy.

Step 12

Publish impact assessment.

Where will the Equality Impact Assessment be published?

Angus.gov.uk along with the report it relates to.

Please state your name, position and date, and forward this pro forma either to your designated Equality Impact Assessment Co-ordinator, or if it refers to a committee report, it should be forwarded with the report to committee services.

Name: Mark Allan

Position: Manager (Procurement &
Commissioning)

Date: 30th October 2019

For additional information and advice please contact:
the Equalities Officer - Tel: 01307 476058 or E-mail: Equalities@angus.gov.uk