

OFFICIAL - COMMERCIAL

**SCHEDULE 14**

**DIVERSITY AND EQUALITY REQUIREMENTS**

## SCHEDULE 14

### DIVERSITY AND EQUALITY REQUIREMENTS

#### **1 General**

- 1.1 The Supplier acknowledges that the Authority has a 'duty to promote' equality and must at all times be seen to be actively promoting equality of opportunity for, and good relations between, all persons irrespective of their race, gender, gender reassignment, disability, age, sexual orientation or religion/belief or in terms of pregnancy and maternity or marriage and civil partnership. The Supplier must ensure that each of its Sub-contractors involved in delivery of this Agreement are aware of, and acknowledge, that the Authority has a 'duty to promote' equality.
- 1.2 In delivering the Services, the Supplier shall, and shall procure that its Sub-contractors, assist and cooperate with the Authority in satisfying Equality duties by fully complying with the requirements of this Schedule 14.

#### **2 Compliance**

- 2.1 The Supplier acknowledges the provisions of the equality legislation set out in Clause 35.3 (Equality and Diversity).
- 2.2 The Supplier shall produce for the Authority's Approval a Diversity and Equality Delivery Plan in accordance with Paragraph 2.5 and Paragraph 2.6 of this Schedule 14 within three (3) Months following the Effective Date and annually thereafter. The Diversity and Equality Delivery Plan must be specific to this Agreement and include details for all Sub-contractors involved in delivery of this Agreement.
- 2.3 The Supplier will provide workforce monitoring data, in accordance with Paragraph 3 of this Schedule 14, within six (6) Months following the Operational Service Commencement Date (unless some other date is agreed in writing by the parties) and annually thereafter.
- 2.4 The Authority will consider the submissions made by the Supplier when complying with Paragraph 2 and Paragraph 3 of this Schedule 14. Any issues will be raised with the Supplier by the Agreement Manager acting on behalf of the Authority. If an issue relates to a Sub-contractor, the Supplier must raise and resolve the issue with the Sub-contractor. Once submissions are approved by the Authority the Supplier will formally review, revise and resubmit all information required in Paragraph 2.2 and Paragraph 2.3 on an annual basis. Diversity and Equality aspects will also be discussed jointly by the Authority and the Supplier as an ongoing item at this Agreement review meetings.
- 2.5 In delivering the Services, the Supplier shall prepare the Diversity and Equality Delivery Plan which, as a minimum, will include:
- (a) an overview of Supplier and any Sub-contractor policy/policies and procedures for preventing unlawful discrimination and promoting equality of opportunity in respect of:
    - (i) Race;

- (ii) Gender;
  - (iii) Gender reassignment;
  - (iv) Disability;
  - (v) Age;
  - (vi) Sexual orientation;
  - (vii) Religion/Belief;
  - (viii) Pregnancy and Maternity; and
  - (ix) Marriage and Civil Partnerships.
- (b) An overview of Supplier and any Sub-contractor's policy/policies and procedures covering:
- (i) Harassment;
  - (ii) Bullying;
  - (iii) Victimisation;
  - (iv) Recruitment procedures;
  - (v) Staff training and development; and
  - (vi) Full policy documents must be made available to the Authority on request.
- (c) Details of the way in which the above policy/policies and procedures are, or will be (and by when), communicated to the Staff;
- (d) Details of what general diversity and equality related training has been, or will be delivered (and by when), to Staff;
- (e) Details of what structure is already in place, or will be in place (and by when) and what resources are, or will be (and by when), directed towards diversity and equality within the Supplier and any Sub-contractor's organisation; and
- (f) Details of any diversity and equality cases and tribunals (including volumes and outcomes) relating to the Supplier and any Sub-contractors.
- 2.6 In delivering the Services, the Supplier shall provide evidence, as required below, within the Diversity and Equality Delivery Plan as detailed at Paragraph 2.2 of this Schedule 14:
- (a) Where a Supplier is delivering Services to customers on behalf of the Authority or Services to the Authority's staff, the Supplier must provide written evidence that:

- (i) Equality Impact Assessments have been carried out in conjunction with the Authority prior to the Services being delivered and will be carried out in the event of any changes to the Services, in accordance with equality legislation;
- (ii) Reasonable adjustments are made as required by equality legislation to make those Services accessible to disabled people, and that in the case of Information Technology services those services are in accordance with the Authority's standards; and
- (iii) All Staff have had appropriate training so that they understand the duties required by equality legislation, and where Services are being delivered on behalf of the Authority, the Supplier shall provide evidence that Staff understand the duties not to discriminate and to promote equality in accordance with equality legislation.

2.7 The Authority may request further information and assurance relating to Diversity & Equality at any point during the duration of this Agreement.

### **3 Monitoring and Reporting**

3.1 The Supplier shall provide workforce monitoring data as detailed in Paragraph 3.2 of this Schedule 14. A template for data collected in Paragraphs 3.2 to 3.4 is at Annex 1 to this Schedule and in the document "Diversity and Equality Requirements - Guidance for Contractors". Completed templates for the Supplier and each Sub-contractor will be submitted by the Supplier with the Diversity and Equality Delivery Plan within six (6) Months of the Operational Service Commencement Date (unless some other date is agreed in writing by the parties) and annually thereafter. Suppliers are required to provide workforce monitoring data for the workforce involved in delivery of this Agreement. Data relating to the wider Supplier workforce and wider Sub-contractors workforce would however be well received by the Authority. Suppliers and any Sub-contractors are required to submit percentage figures only in response to Paragraphs 3.2(a) and 3.2(b).

3.2 The Supplier and Sub-contractors will each provide separate information detailing:

- (a) the proportion of employees who are:
  - (i) female; and/or
  - (ii) disabled; and
  - (iii) those who prefer not to state gender and/or disability.

(b) the proportion of Staff who, in terms of ethnicity, are:

#### **White**

- (i) English/Welsh/Scottish/Northern Irish/British Irish;
- (ii) Gypsy or Irish Traveller;
- (iii) of any other white background.

**Mixed/Multiple Ethnic Groups**

- (iv) white and black Caribbean;
- (v) white and black African;
- (vi) white and Asian;
- (vii) of any other mixed/multiple ethnic background.

**Asian or Asian British**

- (viii) Indian;
- (ix) Pakistani;
- (x) Bangladeshi;
- (xi) Chinese;
- (xii) of any other Asian background.

**Black/African/Caribbean or Black British**

- (xiii) Caribbean;
- (xiv) African;
- (xv) of any other Black/African/Caribbean background.

**Other ethnic group**

- (xvi) Arab;
- (xvii) of any other ethnic group.

**Prefer not to state**

- (xviii) Prefer not to state ethnicity.

For the avoidance of doubt, the eighteen (18) percentage figures submitted under categories i) to xviii) of this Paragraph 3.2(b) (in each template in respect of the Supplier's employees and each Sub-contractor's employees) should total one hundred percent (100%).

- (c) The Supplier will provide details of the proportion of its Sub-contractors that are:
  - (i) small to medium sized enterprises (meaning enterprises with less than two hundred and fifty (250) employees and which have an annual turnover not exceeding fifty (50) million euro, and/or an annual balance sheet total not exceeding forty-three (43) million euro);

- (ii) ethnic minority enterprises (in each case meaning an enterprise fifty one percent (51%) or more of which is owned by members of one (1) or more ethnic minority groups, or, if there are few owners, where at least fifty percent (50%) of the owners are members of one (1) or more ethnic minority groups). For this purpose, ethnic minority groups means ethnic groups other than White as referred to at Paragraph 3.2(b) of this Schedule 14; and
- (iii) black ethnic minority enterprises (in each case meaning an enterprise fifty one percent (51%) or more of which is owned by members of the Black, African, Caribbean or Black British ethnic group, or, if there are few owners, where at least fifty percent (50%) of the owners are members of the Black, African, Caribbean or Black British ethnic group). For this purpose, the Black, African, Caribbean or Black British ethnic group has the meaning referred to at categories xiii) to xv) in Paragraph 3.2(b) of this Schedule 14.

For the avoidance of doubt, any given Sub-contractor may fall into one (1), two (2) or all of the categories i) to iii) listed in Paragraph 3.2(c) of this Schedule 14, depending on its composition.

- 3.3 The Supplier and any Sub-contractors will compare their figures, in all categories listed in Paragraphs 3.2(a) and 3.2(b) of this Schedule 14, and provide (where possible) comparisons against any official national/regional statistics that are publicly available (in the Diversity & Equality Guidance for Contractors document there are links to a number of data collection sources but it must be stressed this is not a full exhaustive list and other sources will be available). The Authority acknowledges that there are regional variations in terms of population demographics and some data categories and coverage may not be complete or fully align; however, it should enable high level analysis and identification of trends.
- 3.4 The Supplier and any Sub-contractors will provide evidence of activities undertaken, or planned, in order to try and improve their current position in the categories detailed in Paragraphs 3.2(a) to 3.2(c) of this Schedule 14.
- 3.5 The Supplier shall and shall procure that its Sub-contractors will ensure at all times that they comply with the requirements of the DPA in the collection and reporting of the information to the Authority.

**Annex 1: WORKFORCE MONITORING DATA TEMPLATE**

**NAME OF CONTRACTOR:**

**Gender/Disability in the workforce**

Schedule reference	Under represented group	Proportion of workforce (%)
	Female	
	Disabled	
	Prefer not to state gender and/or disability	

**Ethnicity in the workforce**

Schedule reference	Main ethnic group	Racial origin	Proportion of workforce (%)
	White	English/Welsh/Scottish/Northern Irish/British	
		Irish	
		Gypsy or Irish Traveller	
		Any other white background	
	Mixed/Multiple Ethnic Groups	White and black Caribbean	
		White and black African	
		White and Asian	
		Any other	

Schedule reference	Main ethnic group	Racial origin	Proportion of workforce (%)
		mixed/multiple ethnic background	
	Asian or Asian British	Indian	
		Pakistani	
		Bangladeshi	
		Chinese	
		Any other Asian background	
	Black/African/Caribbean or Black British	African	
		Caribbean	
		Any other Black background	
	Other ethnic group	Arab	
		Any other ethnic group	
	Prefer not to state	Prefer not to state ethnicity	
For the avoidance of doubt the 18 percentage figures submitted under the categories above should total 100%		<b>TOTAL</b>	

**Supplier Diversity**

Schedule reference	Type of enterprise	Proportion of Sub-contractors (%)
	Small to medium sized enterprises (meaning enterprises with less than 250 employees and a maximum annual turnover of fifty (50) million Euros)	



Schedule reference	Type of enterprise	Proportion of Sub-contractors (%)
	<p>Ethnic minority enterprises (meaning an enterprise 51% or more of which is owned by members of 1 or more ethnic minority groups, or, if there are few owners, where at least 50% of the owners are members of 1 or more ethnic minority groups. For this purpose, ethnic minority groups means ethnic groups other than white British as referred to at Paragraph 3.2(b)(i) of this Schedule 14.</p>	