

Scottish Borders Council

Stage 1 Equality Impact Assessment – Start Up

(For Early Proposals, Project Initiation, Start Up)

1.	Title of Proposal:	Purchasing Guidelines – Staff Information
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(Please enter the title or reference for your proposal)

2.	Service Area: Department:	Chief Executives – Corporate Finance - Procurement & Payment Services
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(Please enter the department/service area submitting the proposal)

3.	Description:	This document provides guidance on the rules that apply to Scottish Borders Council staff who are involved in procurement activity. Adherence to the policies set out in this manual is mandatory for all staff.
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(Please enter a full description of your proposal including its aims and objectives)

4.	Relevance to the Equality Duty.	
	Do you believe your proposal has any relevance to the following duties of the Council under the Equality Act 2010? (If you believe that your proposal may have some relevance – however small please indicate yes)	
	Duty	Yes/No
	Elimination of discrimination (both direct & indirect), victimisation and harassment. <i>(Could your proposal discriminate? Or help eliminate discrimination?)</i>	Yes
	Promotion of equality of opportunity? <i>(Could your proposal help or hinder the Council with this)</i>	Yes
	Foster good relations? <i>(Could your proposal help or hinder the council s relationships with those who have equality characteristics?)</i>	Yes

5. Which groups of people may be impacted (both positively and negatively) if the proposal is advanced? (Please x all that apply).			
Equality Characteristic	Impact		Description
	No Impact	Possible Positive Impact	Possible Negative Impact
			<i>Where you have identified a potential impact, please detail what you perceive this to be. Where an equality characteristic is potentially negatively affected, please explain how and the extent to which they may be negatively affected. If you are unsure of the answer please state this and recommend further investigation.</i>
Age (Older or younger people or a specific age grouping)		x	Positive Impact if the proposal is advanced as the document references both: EU Procurement Directives 2004/17/EC and 2004/18/EC and; Public Contracts (Scotland) Regulations 2012
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring		x	As above
Gender (Males, Females, Transgender or Transsexual people)		x	As above
Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)		x	As above

People with Religious or other Beliefs: different beliefs, customs (including atheists and those with no aligned belief)		x		As above
Sexual Orientation, e.g. Lesbian, Gay, Bisexual, Heterosexual		x		As above
Carers (those who have caring responsibilities for someone with an equality Characteristic)		x		As above
Poverty (people who are on a low income including benefits claimants, people experiencing fuel poverty, isolated rural communities etc)		x		As above
Employees (those employed by the Council including full time, part time and temporary)		x		As above

6.	Mitigation	
	<p>Where you have identified a potential negative impact, please detail what mitigations will need to be put in place in order for your proposal to progress. If you are unsure of the answer please state this and recommend further investigation.</p>	
	Characteristic	Mitigation
	All	<p>Launch the refresh of the guidance document and highlight the equalities inclusions based on the EU principles and:</p> <p>EU Procurement Directives 2004/17/EC and 2004/18/EC and; Public Contracts (Scotland) Regulations 2012</p> <p>Scottish Government state that the above regulation has had an EIA:</p> <p>“The Procurement Reform (Scotland) Bill establishes a national legislative framework for sustainable public procurement that supports Scotland's economic growth through improved procurement practice. Equality issues were considered during the policy development process and none of the proposals were considered, by the Scottish Government, to give rise to the possibility of those affected being treated less favourably due to any of the protected characteristics”.</p> <p>The Key Principles section has been introduced to the guidelines which states:</p> <p>All procurement activity regardless of value must comply with European Union (EU) principles of:</p> <ul style="list-style-type: none"> • Transparency - contract procedures must be transparent and contract opportunities should generally be publicised; • Equal treatment and non-discrimination - potential suppliers must be treated equally; • Proportionality - procurement procedures and decisions must be proportionate; and <p>Mutual Recognition - giving equal validity to qualifications and standards from other Member States, where appropriate.</p> <p>The document also contains an Equality and Diversity section which states:</p> <p>“Budget holders are responsible for making appropriate enquiries of any new suppliers, before awarding any contract to them, sufficient to satisfy themselves that the supplier has procedures in place to ensure compliance with all relevant equality and diversity legislation. Budget holders should make a note of how they have done this in each case and retain it with all paperwork associated with the contract”.</p>

		<p>Detailed information can be obtained by referencing the non-statutory guidance document “Procurement and the public sector equality duty: A guide for public authorities (Scotland)” by the Equality and Human Rights Commission – Scotland:</p> <p>http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland/public-sector-equality-duty-scotland/procurement-guidance-scottish-public-authorities</p> <p> Procurement and the public sector</p> <p>Further information can also be obtained by referencing the Scottish Government policy note: “Equalities – Duty to consider award criteria and conditions in relation to Public Procurement”.</p> <p>www.gov.scot/Resource/0041/00410738.pdf</p> <p> Scottish Procurement Policy Note</p>
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7.	How certain are you of the answers you have given?	
	Answer	Tick One
	Certain - I have populated the evidence base to support my answers.	
	Fairly Certain – but don’t have concrete evidence to support my answers so would recommend further assessment is conducted if the proposal is progressed.	x
	Not Certain – further assessment is recommended if proposal is progressed.	

Completed By			
Name	James Paterson	Service Area.	Procurement & Payment Services
Post	Policy and Development Officer	Date	16/07/2015

This assessment should be presented to those making a decision about the progression of your proposal.

If it is agreed that your proposal will progress, you must send an electronic copy to corporate communications to publish on the webpage within 3 weeks of the decision.

For your records, please keep a copy of this Equality Impact Assessment form.