



# Buying Social Justice Through Procurement:

an equality and diversity toolkit

[buyingsocialjustice.org.uk](http://buyingsocialjustice.org.uk)

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# The **Buying** Social Justice research project

The Buying Social Justice research project was conducted by researchers at Queen Mary University of London, the University of Warwick and the University of the West of England (UWE), Bristol from October 2021 to October 2023, with funding from the UK Research and Innovation Economic and Social Research Council. It was supported by an advisory board made up of academic and practitioner experts in the fields of equality, procurement and construction.

## Objectives

- Provide new evidence on the use of social procurement by public authorities to advance equality in employment
- Compare the use and impact of social procurement in England, Wales and Scotland
- Produce guidance on increasing employment equality through social procurement in construction and beyond
- Extend the scope of research on **equality, diversity and inclusion (EDI)** to include social procurement as a potential lever for change

## Research methods

- Interviews with key experts on the practice of social procurement, including representatives of commissioning and contracting organisations and procurement, equality and civil society bodies.
- A procurement officer survey to establish the extent of the inclusion of employment equality objectives within public procurement, as well as the barriers and enablers, across local authorities, housing associations and higher education institutions in England, Wales and Scotland.
- Case studies of good practice in the inclusion of employment equality aims in public procurement in local authorities, housing associations, higher education institutions and transport and infrastructure bodies in England, Wales and Scotland.
- Collaborative workshops with procurement and equality practitioners in England, Wales and Scotland.

Read the final report of the [project findings](#).

## Acknowledgements


This toolkit was written by Frances McAndrew of Goss Consultancy Ltd in collaboration with the Buying Social Justice research project researchers, Professor Tessa Wright, Professor Hazel Conley, Dr Joyce Mamode and Dr E. K. Sarter.

The research team would like to thank all those who took part in the research, in expert interviews, case studies and the survey. Thanks also to project advisory board members Alison Ramsey and Chris Oswald for helpful comments on draft versions of the toolkit.

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# How to navigate this interactive toolkit

- This toolkit contains sections and subsections.
- Click the **menu at the top of the page** or the **table of contents** to jump to the topic you want to read about.
- You will be able to tell what section you are in because its title will be highlighted in the menu.
- This toolkit contains internal links to various sections shown in **orange** as well as external links to other websites shown in **green** or **white**.
- This icon to the left of the menu  brings you to this page.

## Table of contents

About this toolkit .....	1
Why buying social justice matters .....	4
<b>1. Preparing to procure</b> .....	<b>5</b>
1.1 Before procurement .....	5
1.2 Strengthening foundations .....	8
1.3 Building the business case .....	9
1.4 Preparing the market .....	13
<b>2. Writing the specification</b> .....	<b>15</b>
2.1 Setting out requirements .....	15
2.2 Examples of ‘equality requirements’ .....	18
<b>3. Selecting suppliers</b> .....	<b>20</b>
3.1 Assessing supplier capacity .....	20
3.2 Opening up opportunities .....	21
<b>4. Tendering and assessing</b> .....	<b>23</b>
4.1 Invitation to tender (ITT) .....	23
4.2 Selecting and assessing award criteria .....	23
<b>5. Contracting and monitoring</b> .....	<b>25</b>
5.1 Contract conditions .....	25
5.2 Contract management and monitoring .....	26
Good practice principles .....	28
Resources .....	31
Case studies .....	31
Resources .....	31
Glossary .....	32
Legal context .....	33



# About this toolkit

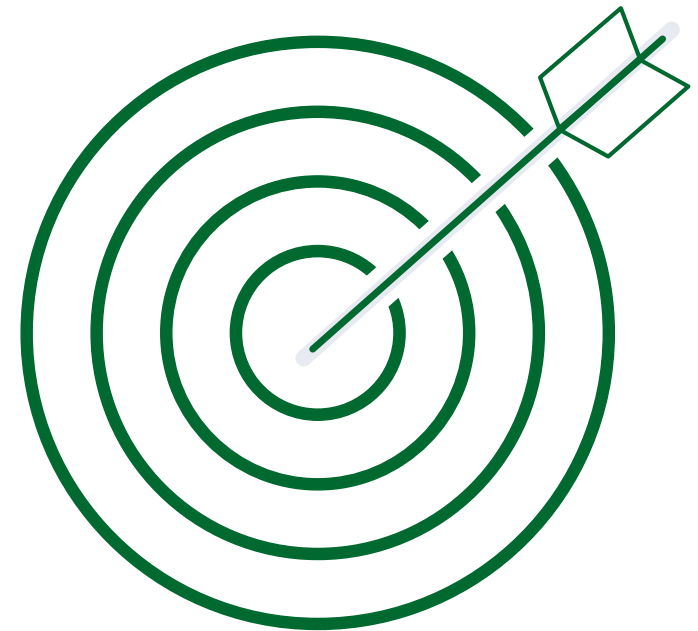
## Purpose of the toolkit

This toolkit is intended to support individuals in the public sector in their efforts to advance social justice through their procurement activity, with a focus on equality, diversity and inclusion (EDI). Although it draws from research conducted on local authorities, housing associations and universities, we believe it can provide valuable insights for a broad spectrum of public organisations. It aims to complement the existing guidance and frameworks on procurement and social value developed for the public sector.

The toolkit has been developed from the Buying Social Justice research project that examined how public procurement is being used by public authorities in England, Scotland and Wales to advance equality in employment, with a focus on the construction sector. Construction remains a male-dominated sector, despite many industry efforts to change the gender

balance and increase workforce diversity, and public procurement has been identified as a tool for change. While many of the examples in the toolkit focus on the procurement of construction works, the toolkit also covers the purchasing of goods and services and should be of use to those undertaking different forms of procurement.

We hope that the principles outlined here, based on public sector experiences of procurement, will offer valuable insights to other organisations and businesses in the private and third sectors. There is a growing need for organisations to prove their economic and social governance (ESG) credentials to clients, investors and employees. Additionally, the toolkit may be useful for businesses and third sector organisations wishing to work with the public sector and align with its social justice objectives.





## The ‘golden thread’

The toolkit demonstrates that social justice can only be achieved if incorporating issues of equality, diversity, fair work, community and social value is a ‘golden thread’ woven throughout each of the five stages of procurement. The toolkit shows how the ‘golden thread’ of social justice can be included and connected in each stage (Figure 1).

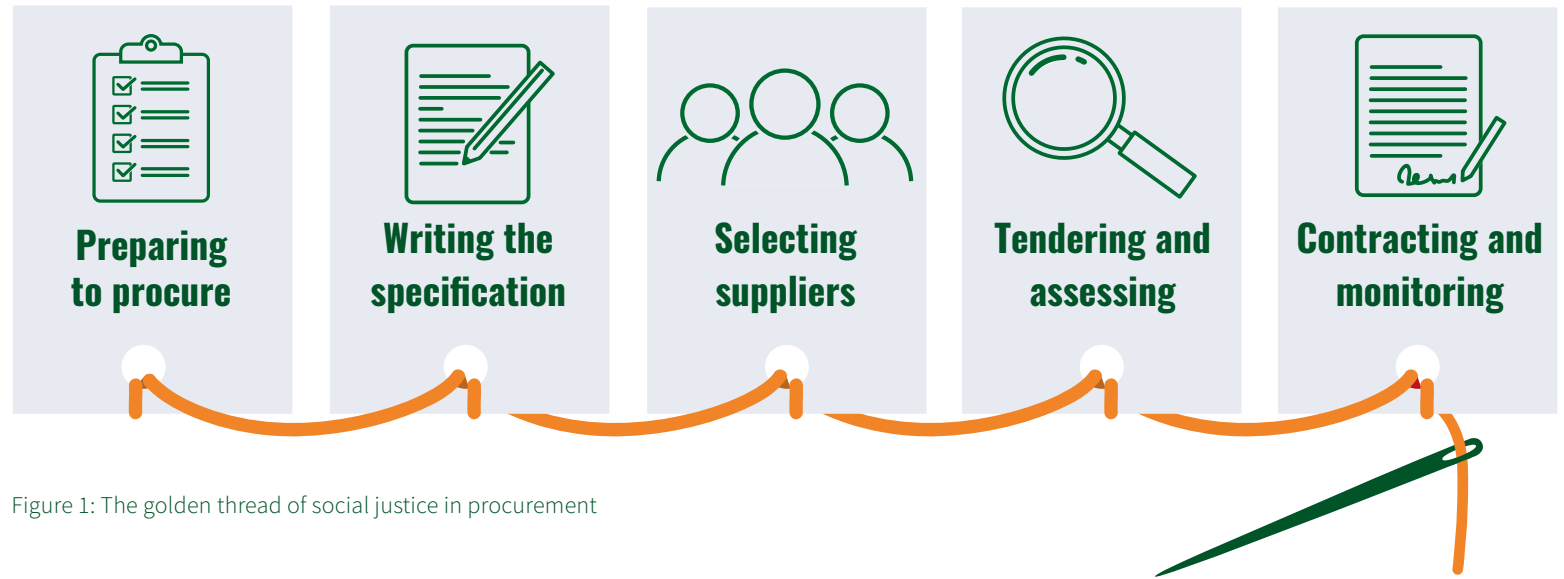


Figure 1: The golden thread of social justice in procurement

## Key elements for success

Success depends crucially on the responsibility for achieving social justice being distributed beyond procurement and equality managers and the adoption of a collaborative approach with communities. Leaders and teams working in strategy, policy, community engagement, budgeting, planning and delivery all have a role to play in translating intention into action and outcomes.

### Six principles for success:

- collaboration and partnership working
- ongoing open and transparent engagement with suppliers
- strategic alignment across the public sector and within each organisation
- consistency of approach to build capacity and reduce complexity
- resourcing of equality, community engagement and procurement functions
- senior leadership – and political commitment – for the prioritisation of social justice



## Clarifying equality and social objectives

While procuring for social justice may be governed by various pieces of legislation and policy, this toolkit aims to set out the steps needed to hardwire social justice into commercial decisions. One of our findings is that social justice, social value, community benefits, fairness and equality are connected. However, these concepts can sometimes be confusing, and the overlaps and links difficult to understand. In this toolkit we use the terms ‘minoritised ethnic groups’ or ‘racialised minorities’, in preference to the contested term ‘Black, Asian or minority ethnic (BAME)’, although we retain this wording where it appears in case study documentation. There is a glossary at the end of the toolkit which includes commonly used terms.

There will always be a need to consider how ‘relevant and proportionate’ social justice and

equality issues are to the technical requirements of a specification, the criteria used to assess bids and/ or the conditions of a contract. This toolkit aims to help the user to achieve better outcomes while respecting these legal constraints.

Although this toolkit is not designed to provide detailed instructions on how to comply with the various procurement-related legal duties (see [Legal context](#)), it does share examples of good practice promoted by legislation. For example, in Scotland and Wales public bodies are expected to reduce socio-economic inequalities when making strategic decisions, like commissioning new services and works projects. The user will find many examples in this toolkit, which highlight innovative and straightforward ways to use procurement to buy social justice.



## Reviewing the toolkit

We would like to find out how people use this toolkit, about any resultant changes in practice and to hear any suggestions for revisions. If you would like to contribute to this review, please email the project organisers:

[info@buyingsocialjustice.org.uk](mailto:info@buyingsocialjustice.org.uk)



# Why buying social justice matters

## Employment inequality in construction

The UK construction sector remains heavily male-dominated, despite some increase in women’s participation in professional occupations. Women make up 14%<sup>1</sup> of a construction workforce of over 2 million people. The proportion is even smaller in the building trades (1–2%). People from minoritised ethnic communities are also under-represented here, occupying 7% of the construction workforce (compared to 18% of the UK population) and only 13% of the sector identify as disabled.

This lack of diversity is problematic for many reasons, including safety. Evidence suggests a link between gender, behaviour and safety in dangerous, traditionally male-dominated industries. In addition, the sector recognises that a more diverse workforce also leads to greater innovation, improved performance and access to a wider talent pool.

<sup>1</sup>Figures from the Annual Population Survey, ONS, 2022.

<sup>2</sup>House of Commons Library (2022) ‘Procurement Statistics: A Short Guide’.

## The ‘buying social justice’ solution

Collaboratively improving the lives of citizens, residents and their communities is a core objective of the public sector. One way the public sector can do this is by using its significant spending power to ‘buy social justice’ when procuring goods, works and services from the private and the third sector. This is worth approximately £296bn<sup>2</sup> every year.

The public sector in England, Scotland and Wales has legal obligations to consider social justice when procuring goods, works and services. These include the Public

Sector Equality Duty (part of the Equality Act 2010), the Public Services (Social Value) Act 2012, the Procurement Reform (Scotland) Act 2014, the Well-being of Future Generations (Wales) Act 2015 and the Social Partnership and Public Procurement (Wales) Act 2023, as well as other legislation (see [Legal context](#)).

There is growing interest in how to deliver social justice, for example, by tackling the lack of diversity in construction, while using this significant purchasing power.

### This can include:

- setting goals for jobs and apprenticeships for under-represented groups in the commissioning of public housing construction
- using supplier engagement to promote the adoption of standards that improve working conditions for employees
- reducing the barriers faced by minority-led businesses as suppliers
- specifying in project briefs the need for more accessible and inclusive public services and infrastructure



## Benefits of socially inclusive procurement

Hardwiring social justice into procurement also brings a myriad of additional benefits.

Promoting equality and social justice can go hand-in-hand with ‘value for money’, not least as it helps the public sector to better identify and meet the diverse needs of users and communities. [Guidance from the Equality and Human Rights Commission](#) makes clear that when public bodies take steps to meet the needs of service users they are also ‘improving economy, efficiency and effectiveness and therefore value for money’.

Embedding social justice into procurement also brings wider benefits to the local economy, including economic growth, and stronger and more cohesive communities.

Minority suppliers can bring new insights regarding the needs of communities, helping public bodies to shape services accordingly and increase levels of quality, responsiveness, take up and satisfaction.



# 1. Preparing to procure

## 1.1 Before procurement

Public authorities may have policies or strategies that affect the wider context of procurement. Two examples from our research illustrate the impact that considering wider social justice issues can have on decisions about how, or in fact whether, to procure goods, works and services.

### 1.1.1 Section 106

Local authorities already deliver on their commitments to social justice through Section 106 agreements<sup>3</sup>. They are an important means of gaining community benefits from large developments. Community activists used this mechanism to good effect to ensure that Islington Council made commitments to women’s employment in construction on the redevelopment of the former Holloway women’s prison site for housing (see case study 1: Islington Council).

<sup>3</sup>A Section 106 agreement (a provision of the Town and Country Planning Act 1990) made between the local authority and the developer may require financial or other contributions to mitigate the impact of a development on a local community, as well as commitments to offer training and employment opportunities to local residents.





## Case study 1: Islington Council

Islington Council in North London established a Fairness Commission in 2010–12 which identified ‘two Islingtons’. The first consisting of some of the wealthiest people in the country. The second has the fourth highest rate of child poverty in the country. Incomes of the richest 10% of households in Islington are likely to be over 10 times that of the poorest 10%.

The Council uses its Progressive Procurement Strategy to address inequality on the basis of income and other indicators of disadvantage. Performance is measured against two strategic objectives of achieving: an increase in the employment of Islington residents, including those with the greatest barriers to work, i.e., long-term unemployed, people with disabilities,

black, Asian or minority ethnic (BAME) and women; and an increase in expenditure with Islington-based businesses, including social enterprises and co-operatives.

The borough covers parts of central London and has many large construction projects. For some time, there has been a target that 25% of all jobs on construction sites are filled by women. The council’s construction employment service indicated that this reached 12% in 2022, of which 80% were in the building trades.

When the Holloway women’s prison was closed in 2016, the campaign group the Community Plan for Holloway (CP4H) was established to maximise local benefits from the redevelopment, which includes 985 flats. The campaign was particularly keen to ensure that the project recognised the history of Holloway as the largest women’s prison in Europe. CP4H worked with local councillors and officers to campaign for both employment opportunities for women, including in the

construction workforce, and a ‘women’s building’ offering support services for local women. The group lobbied for the inclusion of a goal to make efforts to recruit women apprentices in the Section 106 agreement between Islington Council and the landowner Peabody. This committed Peabody to make ‘reasonable endeavours’ to ensure that 51 or more construction apprentices were employed at the development. The agreement stated that the apprentices must be Islington residents, recruited through the Council’s jobs service and paid the real Living Wage. The agreement was carefully worded to ensure equality issues were promoted without encouraging discrimination: ‘genuine efforts must be made to ensure that not less than 30% of the apprenticeships are provided to women’. CP4H for Holloway is currently working closely with Islington Council throughout the procurement and contract management process to ensure that this commitment is achieved.



## 1.1.2 Deciding not to procure

Another consideration of public bodies before commissioning a service is whether that service needs to be bought from a supplier or could be better delivered in-house. At Eildon housing and social care organisation in the Scottish Borders, a decision was taken to recruit an in-house home improvement team (HIT) to undertake the renovation of kitchens and bathrooms in response to previous difficulties in outsourcing the work (see case study 2: Eildon Housing Association).

### Case study 2: Eildon Housing Association

Eildon is a housing and social care organisation in the Scottish Borders. It has around 3,000 homes, offering rented accommodation and supported housing. It also provides 'extra care' housing services, in which care is delivered by onsite staff 24 hours a day, tailored to meet the assessed needs of residents. Currently, it has an ambitious strategy to develop a further 800 homes over the next 5 to

10 years, although this is being regularly reviewed in the light of the rapidly rising building costs affecting all construction projects.

In response to problems in attracting contractors to undertake housing renovation work, as well as a varied experience of quality of delivery, Eildon took the decision to recruit its HIT to undertake the renovation of kitchens and bathrooms. Employment of a small team of tradespeople gives Eildon greater self-reliance and control over quality of the service provided to residents, as well as cost benefits to the organisation and secure, fairly paid employment. Eildon is an accredited real Living Wage employer. It hopes to expand the direct employment model in response to the need to decarbonise and phase out gas boilers through training their own staff to install heat pumps or electric

boilers. This helps overcome the shortage of heat pump installers, meet climate change targets and expand decent local employment. In future, apprenticeship positions could be targeted at women to address under-representation in the trades.

Eildon also made a strategic decision to employ all its care staff directly to ensure a quality service to tenants. They recognised the reputational damage from using an external care provider that did not meet their quality standards, so decided to employ care staff directly which enable them to gain greater control over standards of service provision. This workforce, which is predominantly women, are paid the real Living Wage. This move also helps address low pay in the care sector and gender pay inequality.



## 1.2 Strengthening foundations

### 1.2.1 Leadership

The importance and relevance of procurement to the delivery of social justice needs to be communicated clearly by leaders across the public sector. In practice, this means embedding issues like equality, fairness and community benefits into organisational strategies and business plans. This can be taken one step further by aligning strategies with relevant national or global objectives that support social justice, such as sector-wide skills strategies, and the [Sustainable Development Goals](#) (SDGs). Sustainable procurement is not only an explicit part of SDG 12 (ensure sustainable consumption and production patterns) but also integral to SDG 5 on gender equality and SDG 8 (promote sustained, inclusive and

sustainable economic growth, full and productive employment and decent work for all).

Decision-makers, such as chief executives, heads of functions and local politicians, have an essential role to play in setting out a clear vision of ‘what good looks like’ when buying socially inclusive goods, services and works. This includes expectations that local communities will be engaged and that their diverse needs will be fully considered. Leaders also play a vital role in advocating for adequate resourcing of equality and procurement functions so that they can devote the time or capacity needed to deliver on any strategic commitments to social justice.

### 1.2.2 Partnership

Procurement foundations can be strengthened by working in partnership within and across sectors and supply chains to tackle some of the most significant economic and social justice issues. For example, during the 2020 Covid-19 pandemic, public, private and voluntary sector bodies in London signed up to a [charter](#) pledging to use their ‘considerable collective procurement activity in support of maximising employment opportunities for marginalised groups’.

Working in partnership also provides the opportunity to be a more strategic buyer, i.e., able to

take a sector-wide approach to social justice issues such as skills shortages. The UK Universities Purchasing Consortia ([UKUPC](#)) is a partnership of eight procurement consortia in universities and colleges that formed to support collaborative procurement and share best practice. In July 2020, the UKUPC set up its Responsible Procurement Network and has since developed a Responsible Procurement Strategy and several guides including a Supply Chain Code of Conduct and a guide to the Sustainable Development Goals on Tender and Call-Off questions.



## 1.2.3 Resourcing

Procuring goods, works and services with the goal of achieving social justice requires a good understanding of inequalities and the ways in which structures, policies and processes may discriminate against or disadvantage certain individuals. Our research shows that public sector equality teams are often under-resourced, have limited understanding of procurement and are unable to participate in

procurement efforts. In addition, procurement teams may also be under-staffed, struggle with time constraints and lack expertise in social justice issues. Ensuring that both teams are fully resourced, trained and able to work in partnership is one of the essential steps to success recommended by this toolkit.

## 1.3 Building the business case

### 1.3.1 Relevance

When making decisions about commissioning goods, works or services, most organisations require a clear business case outlining both the rationale for public sector intervention and the intended outcomes. It is at this stage that the social justice and equality issues

relevant to the contract need to be identified as well as whether equality is the main subject matter of the contract or an important, but not central component. For instance, equality will be more relevant when commissioning a new community service than when purchasing printing supplies.

### Different levels of relevance of equality

- 1 Equality is a primary consideration. A service is intended to meet the needs of a specific marginalised group, for instance constructing residential care for disabled adults.
- 2 Equality is a secondary consideration. The whole community will use a service and certain groups may need additional support e.g., a new school building.
- 3 Equality is not the main subject of the contract. Here, equality could be considered as part of the wider community benefits of a scheme given the public body's stated strategic equality objectives. For instance, contractors building a housing scheme could be asked to make efforts to include under-represented groups in the construction workforce in their recruitment of workers and apprentices.



## 1.3.2 Collaboration

Collaboration is already something that procurement teams are required to do. When preparing the business case, this needs to include equality expertise, even when the brief may not immediately suggest that social justice issues are relevant. One of the crucial roles that equality staff can provide is to identify potential negative impacts or missed opportunities for positive outcomes. Other staff with expertise in demographic data, community feedback and complaints can also add real value at this stage.

Ensuring that the commissioning process takes account of the lived experience of users and local communities can ensure that the business case addresses the different requirements that those

from minoritised groups might have. Community Wish Lists can be a way to capture the needs of community groups (see case study 4: Glasgow City Region Deal). Residents' priorities for a major housing regeneration scheme were captured through a listening exercise by Poplar HARCA, a housing association in east London (see case study 3: Poplar HARCA). This exercise identified local employment and apprenticeships as a major concern for residents. Welsh housing association, RHA, also consults residents on community needs. Additionally, voluntary sector organisations and trade unions can bring forward real insights on equality and social justice.

## 1.3.3 Equality Impact Assessment (EqIA)

An EqIA can be a useful tool for considering how relevant social justice and equality issues are to a business case. The EqIA should be started as soon as the strategy, policy, project or plan begins to take shape. It uses data, research and consultation to identify potential negative impacts and opportunities to have a positive impact. It also provides a point of reflection to view the project or activity through an equality lens that can be focused on potential service users, existing employees, the wider community and those commissioned to deliver the goods, works or service.





## 1.3.4 Evidence

A solid equality evidence base is crucial to a good EqIA and, ultimately, to an effective outcome. It helps when commissioning plans that adequately target priority groups and deliver real community benefits.

### There are several tools available to help find relevant data:

- [UK Official Census and Labour Market Statistics](#)
- [Scottish Index of Multiple Deprivation](#)
- [Scottish Equality Evidence Finder](#)
- [Welsh Index of Multiple Deprivation](#)
- [location-specific diversity data profiling service GeoStat](#)

A good example of the gathering, analysis and use of data is the [Glasgow City Region Deal's Intelligence Hub](#). This provides extensive economic intelligence, including research and data analysis, modelling and evaluation.

### Questions to consider when looking at data and research:

- Is there any evidence that existing services do not meet the needs of all equality groups?
- Is there any data on different needs for different groups?
- Does employment and skills data indicate patterns of disadvantage that could be addressed through this project?
- If no evidence has been collected before, could this be added to the new contract?

## Critical stages of an EqIA

- 1 Clarify the aims of the procurement.
- 2 Collate data, research, or evidence relevant to equality and socio-economic issues and these aims.
- 3 Establish what people from groups protected by equality legislation think about this project or service. Do they have any concerns or ideas to make the plans better?
- 4 Based on the results of the first three stages:
  - (a) Identify any potential negative impacts this procurement could have on those from equality groups or with socio-economic issues.
  - (b) Identify any positive impacts this work could deliver in terms of:
    - promoting equality of opportunity and equal outcomes
    - reducing discrimination and inequality
    - improving relations between different communities
    - tackling socio-economic issues
- 5 Agree actions to mitigate negative and deliver positive impacts.
- 6 Ensure relevant decision-makers are accountable for considering the issues and implementing the actions in the EqIA.
- 7 Publish the results of the assessment.
- 8 Monitor the actual impact of the procurement.



## Case study 3: Poplar HARCA

When Poplar HARCA Housing Association was preparing to go out to tender for the regeneration of the Teviot Estate in an economically deprived, multi-ethnic area of east London, they ran an extensive ‘listening exercise’ with the existing 350 residents.

The estate community was consulted through a process of ‘unstructured conversations’ with staff from Poplar HARCA’s communities and neighbourhoods team on doorsteps, at bus stops and in community centres over the things that they most wanted to see

improve as a result of the regeneration. The feedback gathered, which included around 200 suggestions, was organised into four key themes: community, homes, streets and parks. The results were prioritised by creating a value tree.

With consultancy support from the Housing Associations’ Charitable Trust (HACT), the residents’ priorities were mapped onto 12 of the 88 possible social value outcomes provided by HACT’s UK Social Value Bank. This tool was particularly well suited to this procurement as it bases its valuations of outcomes on a conceptualisation of the improvements to individual wellbeing to be delivered.

### The 12 outcomes included:

- full-time employment
- apprenticeships and general training
- access to the internet
- good overall health

The outcome of the value tree exercise formed the basis for the social value questions within the procurement. Prospective bidders were asked to specify what and how they would deliver the desired outcomes, including the ‘added value’ that they would bring if they were chosen to work with Poplar HARCA on the regeneration project.



## 1.4 Preparing the market

### 1.4.1 Information and expertise

Early engagement with potential suppliers about the business case, objectives, community needs and equality outcomes can produce a clearer picture of the sectors from which bidders will come. For example, it is helpful to have early knowledge about suppliers' capacity to provide the required service or project or to have information about typical pay levels in different sectors to understand the effect of expectations to pay the real Living Wage.

A benefit of working with suppliers at this point is that they can bring additional expertise. Market engagement can therefore bring about new thinking and ideas on social justice to add to the business case. For example, the successful

bidder to partner with Poplar HARCA in a large joint venture regeneration of one of their estates included an innovative offer to share any extra profits, over and above the margin estimated within their bid. The profits were to go to a community chest fund, used to support a range of health and wellbeing activities and interventions such as community mental health support, food poverty and youth club programmes in the local area. By keeping some flexibility in the business case and adopting a collaborative and partnership approach, the development of more innovative solutions is made possible.

### 1.4.2 Capacity

Understanding the capacity of the relevant sector, including small- and medium-sized enterprises (SMEs), is especially useful information for public bodies that have a remit to support local businesses. In Wales, the Social Services and Well-being (Wales) Act 2014 requires local authorities to support the development of social enterprises and co-operative organisations that deliver care and support. There may be opportunities to shape the market without reducing competition

by, for instance, encouraging partnerships between the private and voluntary sector that better deliver social justice outcomes.

For smaller suppliers, the benefit of being aware of potential opportunities early is that it gives them more time to build their capacity to compete with larger providers. It can also be useful in helping the sector to get up to speed on any social justice, equality and fair work objectives that the public body requires.





## Case study 4: Glasgow City Region Deal

Glasgow City Region Deal is an arrangement between the UK and Scottish governments and local partners to foster regional economic inclusive growth. Through a £1.13bn fund it supports infrastructure projects and provides intelligence and guidance. It brings together eight local authorities (Glasgow City, East Dunbartonshire, East Renfrewshire, Inverclyde, North Lanarkshire, Renfrewshire, South Lanarkshire and West Dunbartonshire).

While the Glasgow City Deal does not carry out procurement itself, it supports the infrastructure for partners to do so in different ways.

In relation to procurement, the Glasgow City Region Deal focuses on three areas: alignment and constituency, information gathering and distribution, and networking and engagement. Its procurement support group brings together procurement experts from different partners and serves as a space for sharing good practice.

Glasgow City Region's Sustainable Procurement Strategy defines community benefits as a key performance indicator (KPI) of City Deal contracts and requires the monitoring of community benefits clauses. To this aim, a shared comprehensive monitoring and reporting system has been created. The Intelligence Hub provides economic research and data analysis, modelling and evaluation.

The Glasgow City Region Deal has a common framework for use across the eight local authorities, which facilitates monitoring and reporting of community benefits through a shared system.

One approach to identifying and addressing community needs that is emerging across the area of the Glasgow City Region Deal is the use of community wish lists. These allow community groups to highlight specific needs (e.g., building material or painting of community buildings), which can then be included as community benefits requests within the procurement process.



# 2. Writing the specification

## 2.1 Setting out requirements

The specification stage is where a public body defines their requirements with a formal written description of the goods, works or services they want to buy. Ensuring that sufficient emphasis (due regard) is placed on equality issues is how procurement can be used continuously to achieve social justice. It is important to include the information collected and decisions made when building the business case into the specification, including the results of any EqIA undertaken.

### 2.1.1 Information and expertise

Equality issues can be relevant to the successful delivery of the contract in different ways. The need to deliver equality outcomes, outputs or inputs can be specified. Specifying outcomes means setting out the social justice improvements to be delivered but leaving the supplier to provide the detail of how they will achieve these. For instance, asking tenderers to set

out how they would reduce the gender pay gap as part of an employment and skills project.

Where the public body is clear on the specific equality outputs they want to see in the service delivery, these should be spelled out in the specification. For example, stipulating the provision of easy read and audio versions of information for a housing

provider, alongside training for all staff on supporting disabled residents. Equality inputs may be technical requirements that are prescriptive ways to hardwire equality into the specification, such as by requiring the adoption of certain standards such as W3C Web Accessibility Initiative for an online learning project.

Some specifications use all three. For instance, in the business case for a new social housing project, a public authority might identify lower levels of satisfaction from women with current

provision, relating to security, access to transport, childcare and schools. The specification could require an improvement in the satisfaction levels of women (outcomes), certain numbers of affordable childcare places (outputs) and adherence to secured by design standards (inputs).

Whatever the public sector body decides to include, they need to make sure that the equality requirements are objective, clear and explicit.

### 2.1.2 Suppliers' workforces

How suppliers recruit, train and manage the workforce that will be delivering the contract is an important consideration. Expectations of suppliers' adoption of fair working practices are often deemed to be relevant given evidence of sectoral poor work practices impacting on the quality of delivery of goods, services and works.

For example, if a specification requests the creation of apprenticeships, then monitoring the equality aspects of their recruitment would fulfil an important social justice role.

#### Commonly used accreditations:

- The Fairness Inclusion and Respect Framework
- Mayor of London's Good Work Standard
- Greater Manchester's Good Employment Charter
- The Chartered Institute of Building's Diversity and Inclusion Charter



Many public sector bodies encourage suppliers to sign up to voluntary workplace standards, pay the real Living Wage, ensure fair terms for small businesses and stamp out exploitative practices.

Birmingham City Council required that all of the supply chain for the [Perry Barr Regeneration project](#), completed in 2023, were paid the real Living Wage. Cardiff Council also expects its

suppliers to pay the real Living Wage and has incentives to support this (see case study 6: Cardiff Council).

A contractor building student accommodation at the University of the West of England agreed to offer paid internships to students at the university. The first three international student interns were women from minoritised ethnic groups (see case study 5: UWE).

These include:

- 37 employment opportunities
- 75 weeks of training
- 1,050 weeks of apprenticeship opportunities
- 70% of labour employed to be local (within 50 miles)
- 15 school engagement activities

In their 2023 progress report on social value to the university, Vinci reported that the KPIs have been exceeded by 275% with 26 jobs created under the heading of inclusivity and outreach, 80 jobs created from the long-term unemployed and 7 jobs created from UWE alumni.

Included under the heading of inclusivity and outreach are:

- 1 disabled
- 2 homeless
- 3 returning mothers
- 7 care-leavers
- 4 armed forces with specific barriers to civilian life
- 7 ex-offenders

## Case study 5: University of the West of England (UWE), Bristol

UWE is a large campus-based university with over 38,000 students and 3,800 staff. Recently UWE has embarked on extensive building programmes including three new student accommodation projects. Procurement is, therefore, an important part of the university's 2030 strategy, where inclusivity is a core value. UWE has agreed with its Tier 1 contractor for the student accommodation projects, Vinci, a range of social value KPIs.



Many public bodies, including the Greater London Authority (GLA) and Manchester City Council, have signed up to the Unite the Union construction charter, in support of fair working practices, decent health and safety provision and commitment to the right to trade union representation for workers on site.

High Speed 2 (HS2) requires its main contractors to obtain an externally verified EDI standard, although it leaves it up to them to choose which one (see case study 9: HS2). These contractors are then expected to encourage their sub-contractors to gain similar EDI accreditation.

## Case study 6: Cardiff Council

Cardiff Council is the largest unitary authority in Wales, employing over 5,000 staff, contracting with over 8,000 private and third sector organisations. Procurement is seen as key to achieving its 'Stronger Fairer Greener' vision, set out in the Socially Responsible Procurement Strategy 2022–7, by maximising the social impact of the council's spending and setting an example as a 'fair work' employer. In 2015 it became a real Living Wage

accredited organisation, encouraging all suppliers and contractors to pay the real Living Wage. It played a key role in Cardiff achieving Living Wage city status in 2019, resulting in a reduction of jobs in Cardiff paying below the real Living Wage from 42,000 (20.7%) in 2017 to 24,000 (11.6%) by 2021, according to ONS statistics. Since 2012 an estimated additional £65m has gone into the Cardiff economy as a result of worker pay uplifts to the real Living Wage.

In March 2017 the Council signed up to the Welsh Government's Code of Practice: Ethical Employment in Supply Chains, and in 2019 it became the first local authority in Wales to publish a modern slavery statement. As construction was identified as a high-risk sector for modern slavery, the council is testing out a self-assessment questionnaire for

use by construction suppliers to ensure compliance with its modern slavery statement and to ensure that suppliers have examined their supply chains.

In addition to questions about practices to eliminate modern slavery, there are questions on compliance with employment law, including:

- pay and benefits
- promotion of equal opportunities for all staff regardless of age, gender, disability, religion, race and sexual orientation
- avoidance of inappropriate use of zero-hours contracts
- provision of flexible working arrangements to carers and for family-friendly working
- trade union recognition and representation; and payment of the real Living Wage





## 2.2 Examples of 'equality requirements'

Research for this toolkit has identified a range of different equality requirements which bring to life the variety of ways in which specifications help to 'buy social justice'.

Requirements may be specific to the service required or could relate to any organisation providing a service to the public sector body.

### Examples of equality requirements from the research include:

- Encourage under-represented groups to take up any training and employment opportunities created by this project (see case studies 9: HS2, 1: Islington Council and 7: TfL).
- Monitor and report on gender and ethnicity pay gaps amongst the workforce delivering the contract (see case studies 4: Glasgow City Region Deal and 5: UWE).
- Encourage the supply chain to pay the real Living Wage and take steps to eliminate modern slavery (see case study 6: Cardiff Council).
- Have clear procedures in place to report and deal with allegations of discrimination, particularly in sectors where this has been identified as an issue.
- Confirm that sub-contracting opportunities will be accessible to SMEs and third sector organisations (see case studies 6: Cardiff Council, 4: Glasgow City Region Deal and 7: TfL).



## Case study 7: Transport for London (TfL)

TfL Strategic Labour Needs and Training (SLNT) requirements are introduced at tender stage in relevant procurements. The requirements represent a sophisticated employment equality tool that was developed from TfL's involvement in a Department of Transport initiative, the transport infrastructure skills strategy. This aimed to increase the proportion of women and racialised minorities taking up apprenticeships. The lessons learned have fed into TfL's bespoke approach to specifying SLNT outcomes in their invitations to tender (ITTs).

SLNT requirements are drawn up by TfL based on a sliding scale related to the value of the contract. Suppliers are then asked to submit a plan to deliver relevant employment opportunity or apprenticeship 'outputs', according to the value of the contract.

For a £30m contract, the supplier would be required to submit a delivery plan for 10 SLNT outputs, of which 75% would have to be targeted at TfL's priority groups. The priority groups are not fixed and are regularly reviewed. They currently include people who are previous recipients of free school meals, offenders or ex-offenders, homeless, care leavers, single parents, people with caring responsibilities and refugees.

Supplier's SLNT plans are assessed on a pass/fail basis, with the emphasis on their actual delivery after contract award. A key factor for successful delivery is the requirement for suppliers to identify a specific person in their organisation, often with the title of social value manager, who will be responsible for liaising with the TfL supplier skills manager assigned to the contract to deliver the expected outcomes.

TfL provides support to suppliers through recruitment fairs and other pre-employment interventions offered by other organisations such as schools and further education colleges. This helps to bridge the gap between what TfL is asking suppliers to deliver and the individuals from under-represented groups who might not yet be 'job ready'.



# 3. Selecting suppliers

This is the stage where public authorities assess the suitability of potential suppliers to bid for a contract. It should be clear from the specification how central the ability to promote equality is to the selection process.

## 3.1 Assessing supplier capacity

This stage assesses suppliers' professional and technical abilities, qualifications and track record. Selection criteria can assess the ability to deliver on equality issues, where this is relevant to the goods, services or works. For larger contracts, and where there are numerous potential suppliers, it is common practice to use a supplier or pre-qualification questionnaire (PQQ).

Public authorities should be able to distil the right supplier selection criteria from the requirements set

out in the specification. For instance, a contract may require specific knowledge, such as awareness of the issues related to building accommodation that will be used by students from a wide range of cultural and religious backgrounds. In this case questionnaires can ask for evidence of skills or knowledge.

Here, the considerations should be the method of assessment of the selection criteria set and the scoring system used depending on relevance to the specification. Equality criteria

can sometimes be tricky to measure. However, there is lots of guidance available to help, for example the Social Value Portal's [National Themes, Outcomes and Measures \(TOMs\) tool](#) or the [HACT Social Value Bank](#) designed for the social housing sector. The Poplar HARCA case provides an example of how the HACT tool was used to map onto resident priorities for a housing regeneration project (see case study 3: Poplar HARCA).

A questionnaire can also help identify a potential supplier's track record on promoting equality or delivering community benefits more broadly, especially where they are being procured to deliver a public function. It is also useful to include questions about how the supplier complies with their obligations under the [Equality Act 2010](#) and a request for evidence of relevant aspects of equality policies or training.

For example, when commissioning a new outreach service to young people at risk of offending, a local

authority stated in its specification that staff working on the project must be trained in working with people who have mental health issues, as this would help ensure that the service met the needs of all of its users. Being able to meet this requirement reflects a potential supplier's technical ability to deliver the contract. At the selection stage, the public authority can therefore request evidence of bidders' ability to meet such a requirement.

It may be necessary to exclude a potential supplier where there is evidence that they have broken equality legislation. This needs to be considered on a case-by-case basis, taking into account the seriousness of the offence, whether any steps have been taken to rectify the issues and the relevance of the breach to the contract.

<sup>4</sup> Where the supplier will be carrying out a public function this needs to be made clear as with it comes the need to comply with additional duties to promote equality, reduce discrimination and foster good relations between communities.



## 3.2 Opening up opportunities

A diverse range of suppliers can help public authorities to deliver better services. A more diverse supplier base can be created by inviting a wide range of potential suppliers to attend supplier engagement events (not just those already contracted with). In the interest of fairness, any information made available at the pre-tender stage must be included in the tender documents to avoid disadvantaging suppliers not able to get involved at this stage.

TfL has an equality objective to make its procurement opportunities more accessible and inclusive, particularly to small and diverse businesses and to businesses outside London. To support this,

they actively encourage businesses to register with them to receive information on future tendering opportunities. They also provide specific advice on how to identify opportunities for working with existing Tier 1 suppliers.

Increasing transparency with guidance and support targeted at smaller businesses, community interest companies, social enterprises and the voluntary sector can open up the supply chain.

Efforts to increase opportunities to minority-led SMEs should recognise that ethnic minority-led businesses are more likely to be micro-businesses (businesses with fewer than 10 staff). Therefore, advance

notice of any new requirements, such as a strengthened focus on equality and social justice, gives businesses time to build their capacity and compete fairly.

Some public bodies collaborate with their suppliers on cross-sector issues like equality, social justice, and sustainability, using ‘meet the buyer’ events, webinars, newsletters and online support. Through these partnerships, the public sector can identify and reduce barriers to entry

for SMEs and social enterprises.

SCAPE is a not-for-profit organisation providing procurement frameworks that enable public sector organisations to deliver projects that leave a sustainable legacy for communities. It has created the Social Partnership Portal to make it easier to find social enterprises and socially purposed businesses for the construction sector to use in their supply chains.





## Other ways to open up opportunities to a more diverse supply chain include:

- **divide contracts** into smaller lots
- **encourage partnerships and facilitate cooperation** between smaller organisations skilled in delivering social justice with larger contractors
- **enable smaller suppliers to form consortia** so they can meet selection requirements, reduce overheads and be more competitive
- **avoid short timeframes** that disproportionately impact on smaller suppliers
- **advertise opportunities widely** and communicate where the contracts will be shared ahead of doing so
- **make requirements clear and limit bureaucracy** to keep admin burdens on bidders as low as possible
- **collaborate with other buyers** to align and streamline supplier requirements, especially the more time-consuming ones like accreditations and data reporting
- **use framework agreements** that set the equality requirements clearly upfront
- **ensure that supplier portals are accessible** to business owners who have dyslexia or other access requirements
- **use plain English, Welsh and alternative formats** for contracts and guidance
- **share case studies** of successfully delivered contracts as well as lessons learnt from unsuccessful ones
- **lower or remove the minimum annual financial turnover requirements** set for bidders, taking into account the size and financial risks of the contract
- commit to **paying invoices promptly**



These steps should increase the chances that SMEs will choose to bid for public contracts. Having a broader range of suppliers, including those who are women and minority-led, may increase choice, creativity, innovation and quality, as well as provide access to opportunities for those who are under-represented in sections of the labour market. Ensuring greater access to opportunities for voluntary sector organisations, charities and social enterprises, that typically have elements of social justice built into their purpose and operations, can add real value to public sector delivery.



# 4. Tendering and assessing

## 4.1 Invitation to tender (ITT)

An ITT sets out the requirements identified in the business case and specification. Here, relevant equality-related award criteria are stated, considering the key issues identified in the EqIA and the limits provided in section 4.2.

The ITT can either request method statements from bidders detailing how they intend to meet equality-related award criteria, or it can ask more open questions which allows for a more meaningful response. This can be especially useful where the contract is for a highly specialised service such as housing for disabled young adults. Contractors can also be asked to explain how they will cascade any equality requirements through their supply chain, if relevant.

The ITT should include the award criteria – including any related to equality – which should be fair and relevant to the work being commissioned. The method for assessing responses and how criteria are weighted also need to be explained.

It is common to include a weighting in the assessment – our survey of procurement officers found that 42% had a weighting of less than 10% for social criteria, including equality aspects, while 41% typically weighted these at between 10 to 20%. Islington Council's [Progressive Procurement Strategy](#) includes an intention for social value to be given a weighting of at least 20% of the overall scoring and evaluation in all its procurement.

## 4.2 Selecting and assessing award criteria

Once bids are submitted, the focus should be on assessment against the pre-published award criteria. The criteria should now be used to determine which bid (not which bidder) best meets the specification. Contracts should ultimately be awarded to the bid that provides the best overall value. It is crucial to note that 'value for money' does not mean cheapest; it is determined by the award criteria and covers themes such as quality, technical merit, environmental characteristics, cost-effectiveness, functionality, service and timeframes.

When designing the business case (see [section 1.3](#)), the decision will have been made whether equality is a primary, secondary or additional subject of the contract. While equality may not have been listed as an award criterion, it can be a key element of other criteria. For

instance, a local authority could state in its specification for a council newsletter that the newsletter must be accessible to people who are visually impaired or D/deaf. When evaluating bids, procurement teams can assess what provisions the tenderer has made to fulfil this requirement as these aspects would affect the functionality and quality of the service.

Criteria involving equality issues may therefore be used to decide which bid offers the most value for money as long as they reflect an equality-related part of the specification. The EqIA should be reviewed alongside requirements set out in the specification by those with expertise in equality and procurement, to clarify where equality is relevant to award criteria.



## Useful questions to ask to determine the relevance of any equality criteria:



- Are there any equality issues directly linked to the subject matter of the contract?
- What social, wellbeing or community benefits will there be?
- Are these benefits a core requirement of the contract?
- How does the investment relate to wider socio-economic issues?

It is important to note that assessment cannot consider a supplier's general performance against equality measures where this is not relevant to the contract. A higher score cannot be given to a bidder just because they have a more diverse workforce, but they could be given a higher score if, for instance, they describe a similar contract that they delivered where they doubled the number of women apprentices.

Where suppliers are not successful, they should always

be given feedback. This can cover ways that they could improve their equality performance so that they are more likely to win future public sector contracts.

Consider who will be involved in the assessment of bids and whether expertise may be required to assess equality criteria. For example, RHA, the Welsh housing association, involves its equality champions in the assessment of relevant bids (see case study 8: RHA).

<sup>5</sup> In Scotland and Wales there are additional legal duties specific to procurement to consider in relation to award criteria (see [Legal context](#)).

## Case study 8: RHA

RHA is a housing association in the South Wales valleys, which uses public procurement as part of its broader commitment to promoting social justice and fostering equality. It has actively built internal equality expertise through establishing a network of champions, who are passionate about and receive training in specific areas, including equality. To foster a deeper understanding of (in) equalities and different lived experiences beyond formal equality training, RHA invites individuals from different walks of life to share their experiences with the wider team, thereby providing valuable insights into potential improvements.

As part of their approach to including equality in procurement, RHA asks bidders to submit EDI policies and strategies, accompanied by information on how often EDI policies are updated, on the involvement of staff in defining and drafting these policies and on the EDI training staff receive.

A key feature of good practice is the valuing of bespoke equality expertise within procurement practices. Equality experts are part of the team evaluating the social value aspect of bids. In some cases, where this is appropriate, tenants may also be included in the evaluation of the social value elements of tenders.



# 5. Contracting & monitoring

## 5.1 Contract conditions

Once a decision has been made about the successful bidder, the next phase is the contract awarding phase. The contract should include conditions to monitor and report on performance related to the delivery of equality outcomes, outputs and inputs, as detailed in the specification and as set out in the bidder's tender. The monitoring data not only helps the contract manager to be confident about delivery, it can also help a public authority meet its duty to be transparent in reporting how it uses its resources, and to what effect.

It is possible – and in Scotland and Wales required – to have ‘fair work’ conditions in the contract that spell out how the supplier should perform the work. They must have been shared in the ITT so that bidders are able to meet these equality-related conditions once the contract starts.

For example, a public body is awarding a works contract for the construction of a new community hub. They are aware that women are under-represented in construction and include a condition in the contract that the supplier must

demonstrate that they will actively take steps to recruit and train women to work on the project. Targets for skills and apprenticeship attainment could also be specified, as well as any conditions set by a Section 106 agreement ([see section 1.1.1](#)), where relevant.

Other ways in which conditions of the contract can be used to promote equality include asking suppliers to adopt fair work practices and to ensure non-sexist language is used in all communications.

At the point of potential award, there is scope to reach a voluntary agreement with the supplier to work in partnership to advance equality and capture this as part of the contract. For instance, a council may work with its suppliers to improve their equality policies and practices and to share learning and development tools. To avoid a ‘tick box’ approach to reaching equality and diversity targets, UWE encourages contractors to adopt a continuing development approach (see case study 5: UWE).



## 5.2 Contract management and monitoring

Research for this project highlighted that social justice and equality considerations are typically given greater attention during the first stages of the procurement process, but more needs to be done to ensure that the commitments made at the tendering and award stages feed through into contract delivery and monitoring. Rebalancing this is one obvious way in which the public sector could increase its chances of buying social justice.

It is good practice for contractors to provide a specified contact who will work with the commissioning organisation to ensure social and equality commitments are delivered. To increase the return on investment in the contract, the public authority should maintain a good relationship with the supplier and monitor the contract appropriately. It is important to note that monitoring is not an end goal, but rather a way to identify areas where performance improvements or changes are necessary.

To determine the appropriate level of monitoring, the size and significance

of the contract should be considered. For more rigorous monitoring, the supplier can be asked to report against KPI frameworks, hold regular formal meetings, conduct improvement audits and conduct consumer surveys. For low-value contracts, less intensive monitoring methods are acceptable, such as consulting with service users or trade unions, reviewing complaints or visiting sites. Glasgow City Region Deal has established a comprehensive monitoring and reporting system shared across the eight local authorities. For a large-scale project such as HS2, it is feasible to hold regular meetings with suppliers to discuss progress on targets and any obstacles (see case study 9: HS2).

If monitoring activities identify problems delivering equality requirements, these should be discussed with the supplier and steps agreed to improve performance. This is always a better option than turning straight to sanctions detailed in the contract. Understanding why things went wrong, especially for long-term contracts, is useful learning for future contracts.

### 5.2.1 Collaboration

Recruitment monitoring data collected by HS2 from a range of different organisations has been used to identify problem areas across the attraction and selection processes used by the sector. The data showed that the barriers to recruitment were occurring not at the application stage but at the selection (short-listing) stage. This information has allowed HS2 to provide their suppliers with ideas on how to make their selection methods fairer.

Sharing successes and good practice is also important. For example, a number of public sector bodies in the rail industry work together to share approaches to promoting equality through the procurement process. Many members are also then able to share good practice through their own supplier forums.

Partnership working between public bodies and suppliers can promote the benefits of EDI outside of the project monitoring cycle. To achieve this, public bodies can organise one-off events or supplier forums where good practice and lessons learnt can be shared. The [Supply](#)

[Chain Sustainability School](#) offers a wide variety of training and learning opportunities to help suppliers in the built environment sector meet the requirements of main contractors and public bodies on sustainability, including equality and diversity.

#### When contracts are about to end or be transferred it's important to:

- apply any lessons learnt about equality objectives in future contracts
- improve future specifications with clearer equality criteria
- assess whether there was sufficient scope for genuine equality outcomes to be achieved
- review options for using different contract terms and conditions, where necessary
- ask contractors for feedback on the partnership



## Case study 9: High Speed 2 (HS2)

EDI has been integral to the HS2 rail project from the start. The multi-billion-pound project to build a high-speed rail line from London to Birmingham involves huge amounts of government investment and has an objective to create opportunities for skills and employment. A Skills, Employment and Education (SEE) strategy was published in 2018 and updated regularly. The SEE staff team actively supports the supply chain to meet these objectives through an approach known as ‘inclusive procurement’, in which EDI principles are embedded throughout the supply chain, aiming ‘to change the diversity and culture of the industry’.

EDI considerations are included in all stages of the procurement process, from pre-qualification questionnaires, invitations to tender and contract mobilisation, and contract management, including detailed data reporting to ensure policy compliance. Additionally, contractors are required to gain accreditation through an externally verified EDI standard.

Targets were set for the workforce employed directly by HS2 Ltd of 40% for women, with 37% reached by 2022, and 23% for BAME employees, which had reached 22% by 2022. Explicit targets are not set for the supply chain, but they are encouraged to exceed industry benchmarks on workforce diversity. A detailed system of data reporting shows that by 2022 the supply chain for the HS2 programme was 22% women, 18%

BAME, 5% disabled and 2% lesbian, gay, bisexual, trans and others (LGBT+), including Tier 1 joint venture and sub-contractor workforces.

Increasing workforce diversity is also about tackling workplace cultures that can be unwelcoming to under-represented groups. The main contractors to HS2 employ EDI experts for whom this is part of their daily work. One area of good practice is mechanisms for communication and information sharing among EDI and employment and skills professionals, who meet quarterly in a forum with HS2 to share problems and best practice in overcoming them. The EDI practitioners believed that there was evidence of culture change on EDI issues in the sector, with supply chain organisations on the project more willing to engage.



# Good practice principles

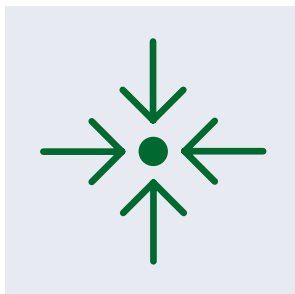
Through the research for the wider project and for this toolkit, we have identified six good practice principles that will increase the chance of successfully using procurement to 'buy social justice'. These principles also underpin many of the case studies presented (Figure 2).



**Collaboration and partnership working**



**Supplier engagement**



**Strategic alignment**



**Consistency**



**Resourcing**



**Senior leadership commitment**

Figure 2: The six good practice principles using procurement to 'buy social justice'



## Collaboration and partnership working

The procurement journey provides many opportunities to collaborate that will drive a stronger partnership approach to delivering better solutions and more equality outcomes. A more collaborative approach encourages meaningful dialogue and learning and is more likely to lead to positive outcomes.

Collaboration can take many forms including internal and external partnerships and networks and public engagement events, such as:

- events and discussions with a diversity of representatives of local communities to glean insights into needs and differences
- engagement with existing beneficiaries or users of services who can provide feedback on what is working well or not
- collaboration with civil society organisations who can provide expertise on unmet needs and inequalities and share good practice examples
- networking across procurement teams in the public sector to look for economies of scale and lessons learnt, especially where learning from 'failed' approaches is shared
- networking across equality teams in the public and private sector who can share innovative ways to deliver social justice and identify ways to standardize and streamline measures



## Supplier engagement

Strong and effective relationships with suppliers are essential at all stages of procurement, from engaging the market, supporting SMEs and businesses led by women or minorities to access opportunities, and in delivery of the contract. Engagement through 'meet the buyer' events, webinars, online support and regular updates can all be beneficial.

This engagement will be key to encouraging open and transparent conversations regarding suppliers' progress against any equality objectives set. The data collected through processes of reporting and monitoring will be invaluable in ensuring successful outcomes against objectives and understanding future actions needed that build on successes and avoid mistakes.



## Strategic alignment

Equality outcomes can be central to decisions made before the start of the procurement process for a specific contract. To ensure that there is a 'golden thread' throughout organisational policies and practices related to procurement, the aim should be to hardwire social justice issues into:

- organisational strategies
- corporate business plans
- procurement strategies and policies
- programme and project plans
- operational delivery requirements and reporting

Also, procurement can be included as a key lever in EDI strategies and policies.





## Consistency

Public bodies can increase their chances of successfully delivering social justice by working together to develop more consistent and standardised definitions, criteria, outcome measures and data collection tools. Consistency can help raise standards and capabilities across the supply chain, while still allowing for flexibility, continuous improvement and opportunities to innovate. As time is one of the most precious resources in organisations, it is important to find opportunities to free up some capacity early on in the process.



## Resourcing

There are many points in the procurement journey where procurement and equality teams need to work closely together as they have very different but equally important subject matter expertise. Of course, their time is limited and without support from leadership they are unlikely to be able to give individual contracts the time and attention they need. It is important that whenever possible there is internal sharing of good practice so that over time skill levels increase, reducing the amount of time needed for any one contract. Having a social value or community benefits manager, or 'champion' as part of another role, can be an effective way of supporting positive outcomes.



## Senior leadership commitment

To truly prioritise social justice issues, public sector bodies require strong and ongoing leadership commitment. This must begin at the top and be emphasised throughout the organisation, connecting to business and commercial objectives. For some types of public sector bodies political leadership and commitment to using purchasing power for social justice can be very effective. Both senior management and political leadership can ensure there is sufficient time and resources given to social justice so that it can truly be a 'golden thread' running through the procurement process.



# Resources

## Case studies

**Full versions of the case studies referred to in this toolkit are published on the [Buying Social Justice website](#).**

Case study 1: Islington Council

Case study 2: Eildon Housing Association

Case study 3: Poplar HARCA

Case study 4: Glasgow City Region Deal

Case study 5: University of the West of England (UWE), Bristol

Case study 6: Cardiff Council

Case study 7: Transport for London (TfL)

Case study 8: RHA

Case study 9: High Speed 2 (HS2)

## Resources

There are links to guidance throughout this document. Below there are also links to organisations and guidance that we have found especially useful. We are always looking to add to our knowledge base and welcome links to other organisations and guidance.

**Users can email suggestions at [info@buyingsocialjustice.org.uk](mailto:info@buyingsocialjustice.org.uk)**

Better for Us, [Procurement for Community Public Good: A Guide](#)

Can Do Resources, [Can Do Approach and Toolkits](#)

Commission on a Gender-Equal Economy, [Policy Paper on Public Procurement and Gender Equality Women's Budget Group](#)

Considerate Constructors Scheme, [Best Practice Resource Hub](#)

Equality and Human Rights Commission, [Buying Better Outcomes: Mainstreaming Equality Considerations in Procurement](#)

Equality and Human Rights Commission, [Procurement and the Public Sector Equality Duty: A Guide for Scottish Public Bodies](#)

Equality and Human Rights Commission, [Buying Better Outcomes Wales: Mainstreaming Equality Considerations in Procurement](#)

HACT, [Social Value Bank](#)

Local Government Association, [Sustainable procurement: Delivering local economic, social and environmental priorities](#)

Scottish Government, [Fair Work Practices in Procurement: Toolkit](#)

Scottish Government, [Fair Work First: Guidance to Support Implementation](#)

Scottish Hub for Regional Economic Development, [Equalities Outcome Guide](#)

Supply Chain Sustainability School, [Fairness, Inclusion and Respect](#)



## Glossary

This glossary provides some definitions of terms and concepts related to social justice, which we understand as the fairer distribution of wealth, health, resources, power, opportunity and privilege in society. Achieving social justice means working to create a future based on equality and fairness for all, including economic, social and political rights. It also includes taking steps to address historic injustices and inequalities.

**Community benefits** are requirements relating to training and recruitment, sub-contracting opportunities or those that improve the economic, social or environmental wellbeing of a local authority's area in a way additional to the main purpose of a contract in which the requirement is included. Under Scottish procurement legislation public authorities conducting certain forms of procurement are required to consider how they can achieve community benefits (see [Legal context](#)).

**Equality** is about recognising and respecting differences, including different needs, to ensure that people can live their lives free from discrimination, know their rights will be protected, and have what they need to succeed in life. It includes ensuring equality of opportunity by tackling the barriers faced by some groups, and making societies fairer by narrowing the social and economic divides that separate people. The characteristics protected by British equality legislation are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**Equality groups** refer to people who share protected characteristics (see [Legal context](#)).

**Equality outcomes** refer to results intended to achieve improvements in people's life chances, for example improving access to employment for under-represented or disadvantaged groups or increasing the proportion of disabled people living in homes suitable for their access needs.

**Fair work** is defined by the Welsh government as 'work which fulfils the rights of workers, supports worker wellbeing, and provides workers with a voice.

Fair work is the presence of observable conditions at work which means workers are fairly rewarded, heard and represented, and can progress in a secure, healthy, and inclusive working environment, where their rights as workers are respected.' Scotland's Fair Work First policy also includes tackling the gender pay gap and offering flexible and family friendly working practices (see [Legal context](#)).

**Procurement** is the contractual process by which a public authority agrees for an external organisation to carry out works and/or to provide goods and/or services on its behalf. This contract can be carried out by private or third sector organisations.

**Social justice** is about the fairer distribution of wealth, health, resources, power, opportunity and privilege in society. Social justice means creating a future based on equality and fairness for all, including economic, social and political rights. It also involves taking steps to address historic injustices and inequalities.

**Social procurement** refers to the use of procurement as a policy or strategy to meet the need for goods, services, works and utilities that achieves value for money on a whole life basis, while generating benefits to the community, society and the economy, and minimising damage to the environment. There are other similar terms in use such as socially responsible, progressive and inclusive procurement.

**Social value** goes beyond a solely economic understanding of value, instead putting the emphasis on the additional benefits to a community or society from a commissioning or procurement process. Public authorities in England and Wales are required to consider how to gain social value through their commissioning activities by the Public Services (Social Value) Act 2012 (see [Legal context](#)).

**Socio-economic inequality** refers to unequal access or outcomes associated with socio-economic, or economic class-based, disadvantage. There is a legal Socio-Economic Duty in place in Scotland and Wales (see [Legal context](#)) which states that certain public bodies, when making strategic decisions on, for example, priorities or objectives, must consider how their decisions might help to reduce the inequalities associated with socio-economic disadvantage. This could include inequalities in education, health, housing or crime rates.



## Legal context

Please note that the contents of this guide, including this appendix, do not constitute legal advice and are provided for general information purposes only.

### England, Scotland and Wales

The Public Sector Equality Duty (PSED) is set out in Section 149 of the Equality Act 2010 and places a duty on public bodies to have due regard in exercising their functions to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

To have 'due regard' means that when making decisions (and in other day-to-day activities), a public body subject to the duty must consciously consider how to eliminate discrimination, advance equality of opportunity and foster good relations. How much regard is due will depend on the circumstances and in particular on the relevance of the needs of the general duty to the decision or function in question.

The relevant protected characteristics covered by the duty are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The general duty also covers marriage and civil partnerships, but only in relation to eliminating unlawful discrimination in employment.

### Scotland and Wales

The Socio-Economic Duty of the **Equality Act 2010** has been enacted in Scotland and Wales but not England. In Scotland this called the Fairer Scotland Duty which came into force in April 2018. In Wales the Socio-Economic Duty is known as A More Equal Wales (2021). The duties mean that the public sector must have 'due regard' to how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. This includes procurement decisions, which must be assessed for their potential to narrow gaps in socio-economic outcomes caused by deprivation. Strategic decisions would include major investments such as Growth Deals, Transforming Towns and Regional Economic Frameworks. The overall aim of the duty is to deliver better outcomes for those who experience socio-economic disadvantage by ensuring that those taking strategic decisions take account of the evidence, consult with individuals and drive positive change

In addition to the general duty, **the Equality Act 2010 (Specific Duties) Scotland and (Wales) Regulations 2011** include specific duties on public procurement for listed public bodies in Wales and Scotland, such that:

- When awarding contracts based on the most economically advantageous tender, the contracting authority must have due regard to whether the award criteria should include considerations to enable it to better perform the equality duty.
- When a contracting authority proposes to stipulate performance conditions in a contract or framework agreement, those conditions should include considerations to enable it to better perform the equality duty.

For instance, if the contracting authority proposes to apply conditions to the terms of the contract, then it must consider conditions that help to eliminate discrimination, promote equality of opportunity and foster good relations.

Deciding whether equality is related to the procurement exercise will require an assessment of how the subject matter relates to the needs of the general duty. How you establish the degree of the relationship will vary according to the individual procurement. However, it will be shaped by the value, scale and potential impact of the agreement and other factors such as level of contact with the public or with your workforce.



## England

Authorities are required by the [Public Services \(Social Value\) Act 2012](#)<sup>6</sup> to consider how the services they procure, and the way they buy them, could improve the economic, social and environmental wellbeing of the area in which the services are to be provided. It also encourages commissioners to talk to their local provider market or community to design better services, often finding new and innovative solutions to difficult problems.

## Wales

The [Well-being of Future Generations \(Wales\) Act 2015](#) is about improving the social, economic, environmental and cultural wellbeing of Wales for the people of today and future generations. The Act sets out seven goals including a more equal Wales and a Wales of cohesive communities, and five ways of working, including involvement. The Act provides for better decision-making by ensuring that public bodies consider and involve people of all ages and diversity. It is about ensuring the decisions taken are fit for now and the future.

The [Anti-Racist Wales Action Plan 2022](#) sets out how the Welsh government has adopted an anti-racist approach requiring them to look at the ways that racism is built into policies, formal and informal rules and regulations and generally the ways in which they work and create an action plan. The plan includes a commitment to ‘use our funding more effectively with the private sector through our grants and procurement processes to ensure organisations in receipt of our funding demonstrate a commitment to anti-racism’.

The [Social Partnership and Public Procurement Act 2023](#) includes duties to consult social partners, employers and worker representatives through the Social Partnership Council when making strategic decisions about the steps to take to deliver their wellbeing objectives. It requires the public sector to consider how to improve the economic, social, environmental and cultural wellbeing of its area by carrying out public procurement in a socially responsible way, in accordance with the sustainable development principle.

<sup>6</sup> Although the Social Value Act applies in Wales it does not apply to procurement by authorities which exercise functions that are wholly or mainly devolved in Wales.

## Scotland

The [Procurement Reform \(Scotland\) Act 2014](#) includes a Sustainable Procurement Duty. This requires a contracting authority prior to conducting a regulated procurement, to consider how it can deliver [community benefits](#), especially improving the social, environmental and economic wellbeing of the area in which it operates, with a particular focus on reducing inequality and facilitating the involvement of SMEs, social enterprises, third sector bodies and supported businesses.

The Scottish government also provided guidance to support the legislation with regard to fair work practices. This [Fair Work First guidance](#) is the Scottish government’s flagship policy for driving high quality and fair work, and workforce diversity across the labour market in Scotland by applying fair work criteria to grants, other funding and public contracts being awarded by and across the public sector, where it is relevant to do so.

Through this approach the Scottish government is supporting employers who adopt fair working practices, specifically:

- payment of at least the real Living Wage
- provision of appropriate channels for effective workers’ voice, such as trade union recognition
- investment in workforce development
- no inappropriate use of zero hours contracts
- action to tackle the gender pay gap and create a more diverse and inclusive workplace
- offering flexible and family friendly working practices for all workers from day one of employment
- opposition to the use of fire and rehire practice