Introduction

Your Homes Newcastle (YHN) spends a significant amount of money every year on contracts with external organisations for goods, works and services.

We therefore developed this document to make sure that our contractual activity is consistent with our obligations under equality legislation.

To ensure that we meet our legal obligations regardless of who carries out our functions we build equality considerations into each stage of our procurement process.

Ultimately, when considering equality issues in procurement, our aim is to make sure that public money is not spent on practices that lead to unlawful discrimination, but instead is used to support and encourage equality of opportunity and good community relations.

Any procurement activity must follow our Financial Regulations which apply to:

a) The purchase of goods, materials and related services
b) The execution of works; or
c) The provision of other services (including consultancy).

The regulations state that when procuring goods, materials, works or services, we must always have regard to, and seek to implement, a number of general principles including the need to ensure and demonstrate true and fair competition, without unlawful discrimination.
The Equality Act 2010 brings together existing legislation on discrimination and equality and introduces new provisions and protected characteristics, which address outstanding discrimination issues and supporting wider work to promote equality.

YHN has an equality and diversity strategy which sets out how we will meet our obligations under the Equality Act 2010. It is a public declaration of our commitment to encourage, value and manage diversity as an employer and service provider. It sets out our commitment to providing equality for all and sets out how we, at YHN, plan to meet the duties placed on us by equality and diversity legislation and to follow best practice in all that we do: including employing our staff, providing services and being engaged with our local communities here in Newcastle upon Tyne.

Section 149 of the Equality Act 2010 establishes a new Single Equality Duty on public authorities which requires public authorities to ‘have due regard’ to:

- eliminate unlawful discrimination
- advance equality of opportunity
- foster good relations when exercising their functions.

The duty not only applies to us but any contractors who carry out work on their behalf or anyone they sub-contract to.

The Social Housing Equality Framework (SHEF) is the framework we use to help us mainstream equality and meet our legal responsibilities. The Framework includes these procurement requirements:

- All commissioning and procurement processes take account of equality issues.
- Contracts include a requirement to deliver an effective and appropriate service fairly and equitably.
- Mechanisms are in place to ensure that service equality objectives are delivered by contractors and providers through contract management, and that they are monitored properly.

and to achieve the Excellence level we:

- are able to show improving satisfaction with and perceptions of procured services across all groups of customers with satisfaction levels being comparable.
We are dedicated to embedding equality and diversity into everything that we do.

Consequently, our commitment to equality and diversity goes far wider than our legislative obligations. Our policies, practices and procedures actively promote equality, diversity, human rights and community cohesion. We work hard to support the elimination of barriers that prevent fairness for all of our employees, customers and suppliers regardless of:

- age
- disability
- gender
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sexual orientation.

YHN has been honoured for its outstanding support for lesbian, gay and bisexual (LGB) staff after being ranked one of the best UK employers in the Stonewall Workplace Equality Index 2018 and one of Stonewall’s top trans-inclusive employers 2018. We work hard to ensure our housing services are fully inclusive to all customers, including those who are LGB.

In 2011 we were inspected for the Social Housing Equality Framework (SHEF) and were successful in achieving “excellence”. We were inspected again in 2015 and retained our “excellence” rating.

The inspectors recognised that we had responded to the recommendations made at the 2011 inspection and have continued to build on our achievements and challenge ourselves to deliver the best possible services for all of our customers.

We are also recognised as a ‘Mindful Employer’ and are a ‘Disability Confident Employer’.
Equality and diversity and procurement

When a contractor carries out a function on behalf of Your Homes Newcastle the legal liability for the equality duties remains with Your Homes Newcastle.

Therefore, when procuring a contract, we are required to apply some minimum standards:

- Consider whether equality is relevant to that contract.
- If equality is relevant, give every contract a rating from 1 to 3 in relation to equality issues.
  - Equality is of high relevance to the contract: Priority level 1
  - Equality is of medium relevance to the contract: Priority level 2
  - Equality is of low relevance to the contract: Priority level 3
- Considering equality issues in this way helps to focus resources where they are most relevant.
- When equality is relevant to a contract we may include specific requirements in the contract.

At all times it is important to have regard to proportionality and relevance. This enables us to focus our actions and resources towards those contracts where equality issues are most relevant. In order to do this, we consider the relevance of equality to all contracts.

Equality is relevant whenever there is potential for unlawful discrimination to occur, whether it is direct, indirect or unintentional discrimination.

We therefore consider issues including (but not limited to):

- access for disabled people
- communication needs for visually or hearing-impaired people, people with learning disabilities, people with low level of literacy or people whose first language isn't English.
- cultural practices or religious beliefs
- the need for contractors to train their staff
- the employment practices of contractors

To ensure that there is a consistent approach to equality within all contracts and our procurement activity across YHN we:

- Include a standard equality clause in standard documentation on all major contracts for services and works. This requires contractors to comply with relevant equality legislation and codes of practice and to provide evidence that they are working to promote equality
- Include a standard equality clause in the terms and conditions used for goods and related contracts
- **Include standard equality statements in tenders for YHN contracts.** These outline YHN’s commitment to equality of opportunity and its expectations of tenderers.

We are also committed to ensuring that:

- All our procurement practices support our Equality Policy and enable us to meet our duties under the relevant equality and diversity legislation.
- All contracts we award are non-discriminatory and promote equality of opportunity.
- The contractors and sub-contractors we work with are non-discriminatory and share our commitment to promoting equality of opportunity.
- Where relevant we will provide advice, guidance and support to our contractors and potential contracts so that they can improve their performance and the performance of those they work with.

As a consequence, we will monitor contractors’ compliance with equality requirements for all priority 1 contracts.
Anyone tendering for work with Your Homes Newcastle should be aware of and comply with:

- Any and all relevant equality and diversity legislation
- The Common Standard for Equalities in Public Procurement
- YHN’s Equality, Diversity & Inclusion Strategy (click here)

Our expectations of suppliers fall into two broad categories:

**General**

- **Acknowledge that YHN has a duty to promote equality and must be seen to be actively promoting equal opportunities at all times.** It is important that we provide equality of opportunity, without disadvantage or discrimination in employment and in the procurement of goods and services. We expect that the contractors we work with share our commitment to equality and diversity, providing a consistent service and meeting their legal obligations.

- **Ensure, where possible that sub-contractors also comply with our equality and diversity requirements and acknowledge our duty to promote equality.** Whilst the legal liability ultimately lies with YHN, we would expect contractors to enforce the requirements with any sub-contractors involved in carrying out the contract.

- **Recognise that some contracts will require greater consideration of equality issues than others, in particular those delivering services on behalf of YHN to customers and/or staff.** And act accordingly in carrying out the commitments of the contract to prevent discrimination, whether intentional or unintentional.

Specifically, we expect:

- All contractors’ employees and sub-contractors to be trained on equality and diversity which is inclusive of sexual orientation and gender identity and be able to evidence this.

- All customer-facing staff are trained on safeguarding issues and show regard to any safeguarding issues relating to customers whose homes they visit.

- All employees are aware of the procedure for referring any safeguarding concerns and that they refer all concerns immediately to Your Homes Newcastle.

- All staff show regard to any specific needs a customer may have e.g. translation/interpretation or religious considerations.
That as a service provider for Your Homes Newcastle your organisation is equally as passionate about equality and diversity both in the workplace and when working with customers.

Compliance, monitoring and reporting

- **Acknowledge all relevant unlawful discrimination clauses in the terms and conditions of the contract.** We expect suppliers to familiarise themselves with any specific equality clauses that have been written into the contract and monitor their performance against those clauses.
- **Implement any recommendations identified during any contract monitoring.** YHN will monitor the performance of a contract both during and after its completion and, where necessary, equality clauses will form part of that monitoring process. If any issues are identified during fulfilment of the contract we expect suppliers to adjust their practices accordingly to address those issues.
If you have any questions about the information in this guide or would like to know more about equality and diversity in relation to our procurement practices, please contact our Procurement team at:

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