

The Women's Budget Group response to the Cabinet Office Consultation on Social Value in Public Procurement

The Women's Budget Group (WBG) is an independent network of leading academic researchers, policy experts and campaigners. We produce robust analysis and aim to influence the people making policy. We also work to build the knowledge and confidence of others to talk about feminist economics by offering training and creating accessible resources. The Women's Budget Group is independent and not-for-profit.

Social Value in Public Procurement and the Public Sector Equalities Duty (PSED)

The Women's Budget Group welcomes the Cabinet Office's consultation on Social Value in Public Procurement. Public procurement is a lever which can be used at all levels of government to bring about economic, social and environmental benefits that, in turn, will have a positive impact. WBG supports the submission made by Equally Ours (previously known as the Equality and Diversity Forum) which highlights the importance of using public procurement to promote equality.

In particular we share the concern raised in the Equally Ours submission about the lack of attention paid to the importance of the Public Sector Equality Duty (PSED) in the consultation document or evaluation model. Ensuring equality requirements are met at every stage of procurement is integral to promoting equality in public authorities' work and service delivery. The PSED provides the framework to do this.

The PSED provides crucial guidance for public bodies, requiring them to have 'due regard to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not and; foster good relations between people who share a protected characteristic and those who do not. It also requires public authorities in England to publish information to show compliance with the PSED annually as well as publishing equality objectives, at least every four years.

The Equality and Human Rights Commission's guidance, *Buying Better Outcomes* (2013) shows how commissioning and procurement can be used 'as a way to advance equality and, where appropriate, achieve wider social benefits, such as creating training and employment opportunities.'ⁱ

The EHRC guidance refers to the Public Services (Social Value) Act 2012 and highlights the close link between equality and other social and economic outcomes. It also covers very similar ground to the current consultation, for example discussing how public authorities can use their purchasing power to increase the availability of targeted recruitment, training and support to disabled people in the workplace; support social enterprises or minority owned businesses; and open up supply chains. Making explicit the link between the PSED and the Social Value Act would put equality at the heart of procurement, and strategies for economic development more generally. This is a real missed opportunity.

Gender equality and public procurement

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Gender equality should become a core component of procurement strategy, much in the same way that creating jobs or reducing carbon emissions is becoming. In order for this to happen it needs to be thought about at the commissioning stage, so people who are designing services think about how gender equality can be embedded into tender documents, in decision-making and monitored as part of service delivery.

The PSED, (which includes sex as a protected characteristic) can be a powerful tool for ensuring that this happens. Under the PSED public authorities that outsource basic services have an obligation to ensure that the legal requirements set out in the PSED are passed on and carried out by the provider. This creates opportunities to embed gender equality into the procurement cycle.

The Women's Budget Group recommends that public bodies should carry out an impact assessment at each stage of the procurement process, including when considering whether to go out to tender. Equality criteria should be built into contracts and there should be ongoing monitoring of the impact of the contract on equality.

¹ Equality and Human Rights Commission, 2013 *Buying Better Outcomes* <https://www.equalityhumanrights.com/en/publication-download/buying-better-outcomes-mainstreaming-equality-considerations-procurement-guide>