

Transport for London Procurement – Equality, Diversity and Inclusion Evaluation Guidance

TfL's procurement process requires bidders for £1 million+ contracts to detail how they will help TfL meet its equality, diversity and inclusion (EDI) objectives.

The background to these requirements is provided in 'Transport for London Procurement ITT – Encouraging Equality, Diversity and Inclusion' (EDI).

You should use this guidance note to determine whether bids are compliant from an equality, diversity and inclusion perspective and to rate bids for their contribution to meeting TfL's EDI objectives.

The requirement is for bidders to submit:

1. An overview of their approach to promoting EDI in their workplace
 2. An EDI Action Plan, including objectives, actions and training to promote EDI in their workforce and in the delivery of their services
- *All relevant information for the submission is to be included within the Action Plan and **should not exceed 10 pages**. Any relevant policies are to be appended. Any other information will not be considered. ITT suggests that bidders provide up to 2 pages for the overview and up to 8 pages for the Action Plan. You are not required to consider any information above the maximum 10 pages. Only relevant policies can be appended.*

ITT gives guidance to bidders on how they may wish to set out their plan.

Evaluation Guidance on what constitutes a comprehensive EDI bid

In assessing the EDI content of bids, you should first consider:

1. Whether a range of Equality Act protected characteristics are referenced. For example, do policies and does the action plan refer to employees and customers in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex and sexual orientation?
2. Whether there is clear reference to tackling discrimination, harassment and victimisation – in other words complying with Equality Act duties.
3. Whether there is a clear approach for promoting equality, diversity and inclusion – for example, are there SMART objectives on increasing workforce diversity or on ensuring that staff understand how to promote inclusion in the course of their work?
4. How complete is the plan – does it have clear timelines and KPIs?

A strategic approach to EDI

The EDI Action Plan is expected to be a strategic plan. Does it demonstrate an analysis of where the bidder is now in terms of EDI, where it will focus for improvement, how it will improve and how it will monitor its actions?

Do the objectives outlined in the Action Plan set realistic but stretching ambitions in relation to increasing workforce diversity, including at senior levels? An appropriate plan might set specific targets for increasing diversity on grounds of disability, ethnicity and gender at all levels or with a particular focus on seniority.

Does the plan refer to any data relating to interactions with the public, where this is relevant, for example complaints broken down by demographic group?

Does the plan indicate how it will promote EDI through its own supply chain by setting specific requirements for its sub-contractors and suppliers?

Does the plan make a broader contribution to equality, for example on socio-economic grounds.

EDI training

Are there convincing, concrete actions for effective training in EDI for all relevant staff and contractors?

Does the training address key issues relevant to the services for example supporting the use of inclusive design and promoting workforce diversity, for example inclusive recruitment, disability and reasonable adjustments, tackling unconscious bias, inclusive line management, inclusive services?

Does the bidder make similar requirements of its sub-contractors and suppliers in relation to training where relevant and appropriate to do so?

The Action Plan should include the types and levels of training, evaluation processes, and how impact will be monitored.

Supplier diversity

Does the bidder aim to make its own contribution to encouraging a diverse base of suppliers by engaging diverse sub-contractors and suppliers and requiring larger suppliers to demonstrate their own commitment to promoting EDI?

This might involve questions to suppliers about payment of the London Living Wage, gender pay gap or membership of the Government's Disability Confident Employer scheme.

Data, monitoring and reporting

Is there a clear and GDPR compliant approach to diversity data collection and analysis? For example, does the plan show that there will be staff/employee monitoring of the bidder and any subcontractors in relation to people who:

- are female
- identify themselves as being non-white British
- identify themselves as being disabled
- are from the local community?

Does the response indicate how bidders for larger contracts will make use of subcontractors and suppliers who are?

- SMEs
- BAME-owned enterprises
- Suppliers from other under-represented groups
- Suppliers with a diverse workforce composition.

Does the plan indicate how its implementation is to be monitored and its effectiveness assessed? Does it demonstrate what reporting mechanisms will be, both internally and to TfL?

Relevant terms

Disability as defined by the Equality Act 2010, is a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a person's ability to do normal daily activities. The social model of disability defines disability as the effect of the barriers, discrimination and disadvantages faced by disabled people, not the impact of their specific impairment.

Black Asian and Minority Ethnic Groups (BAME) this term refers to all ethnic groups who have a common experience of discrimination based on their skin colour or ethnic origin. Individuals may self-identify in different ways but BAME is the collective term used by TfL to describe people who may have this range of experiences.

Diversity is about recognising, respecting and valuing a wide set of differences and understanding that the opportunities we get are impacted by characteristics beyond those protected by legislation like class, family background, political views, union membership etc.

Equality is about recognising and respecting differences, including different needs, to ensure that everyone: can live their lives free from discrimination, knows their rights will be protected, and has what they need to succeed in life. It is about ensuring equality of opportunity by tackling the barriers that some groups face, and making London fairer by narrowing the social and economic divides that separate people. The characteristics protected by equality legislation are age, disability, gender, gender reassignment, ethnicity, pregnancy and maternity, religion and/or belief and sexual orientation.

Fuel Poverty: Households that need to spend more than 10 per cent of their income on fuel to maintain a satisfactory heating regime, as well as meeting their other fuel needs (lighting and appliances, cooking and water heating).

Inclusive Design creates environments which everyone can use to access and benefit from the full range of opportunities available; confidently, independently, with choice and dignity, which avoids separation or segregation and is made up of places and spaces that acknowledge diversity and difference, meeting the needs of everyone in society.

Inclusion means removing barriers and taking steps to create equality, harness diversity and produce safe, welcoming communities and cultures that encourage innovative and fresh ways of thinking and allow people to speak up, especially to suggest where things could be done better.

Minority-led businesses are businesses where over 51% of the senior management team or its owners are from a minority ethnic community.

Pay gap is the difference between the average pay of two different groups of people, for example men and women, or groups from different ethnic backgrounds.

SME (Small or Medium Sized Business) A small business is one that has a turnover of not more than £6.5 million, a balance sheet total of not more than £3.26 million and not more

than 50 employees. A medium-sized company has a turnover of not more than £25.9 million, a balance sheet total of not more than £12.9 million and not more than 250 employees.

Supplier Diversity is the term used by TfL to describe its approach to contracting with a wide range of suppliers and in particular to support those who face additional barriers in the procurement process, such as SMEs, BAME or women-owned businesses and other under-represented groups.

Trans or transgender is the current terminology for people who do not want to live and be recognised by others as the sex they were assigned at birth. Trans man (someone assigned as female at birth and wants to be accepted as male), trans female (someone assigned male at birth and wants to be accepted as female), gender fluid (someone whose sense of their gender may vary) and gender non-binary (someone who does not wish to be defined as male or female) are some of the experiences that may fall under this umbrella term. The Equality Act 2010 uses the term gender reassignment, in terms of providing protection for discrimination, harassment and victimisation for those who are considering, are currently or plan to reassign their gender.