**Transport for London Procurement**

**Invitation to Tender (ITT)**

**Encouraging Equality, Diversity and Inclusion (EDI)**

# Introduction

## Purpose of ITT

### This ITT describes:

### Transport for London’s (TfL) approach to Equality, Diversity and Inclusion (EDI);

### how suppliers are expected to support the promotion of EDI during the course of their TfL contracts; and

### how bidders should demonstrate this during the procurement process.

## TfL’s approach to EDI

### TfL’s approach to EDI is founded upon [[Inclusive London](https://www.london.gov.uk/sites/default/files/mayors-equality-diversity-inclusion-strategy.pdf)](https://www.london.gov.uk/sites/default/files/mayors-equality-diversity-inclusion-strategy.pdf), the Mayor’s Strategy. This sets out his vision for a fairer, more equal, integrated city where all people feel welcome and able to fulfil their potential.

### [Action on Equality: TfL’s commitments to 2020](http://content.tfl.gov.uk/action-on-equality-tfls-commitments-to-2020.pdf) outlines our existing objectives for 2016-20. They are to:

* Ensure our services will be accessible to more people, with consistent customer service that meets the needs of all customers.
* Ensure that more customers will have access to the information they need to make the most of travel in London.
* Improve the accessibility of London's transport infrastructure to enable more people to make the most of life in the Capital.
* Ensure that travel in London is safer and fewer young people, women and people from Black, Asian and Minority Ethnic (BAME) communities are deterred from travelling because of safety concerns.
* Ensure we offer value for money for all Londoners with a fare structure which is clear and well communicated.
* Ensure that our transport system promotes and improves the health of all Londoners.
* Achieve a workforce which is reflective and representative of the diversity of London.
* Ensure all future and current employees are supported to make the most of their skills and talents.
* Create a more inclusive culture where all staff feel engaged.
* Encourage more of our partner organisations to have diversity as a core value.
* Engage with more of London's diverse communities to effectively inform, develop and deliver our strategies, services and programmes.

### We know, for example, that women, BAME people and disabled people are under-represented in the transport industry; that just 18 per cent of small and medium enterprises in the UK are women-led and just 7 per cent are BAME-led. We know that many groups are affected profoundly by how accessible, inclusive and safe our services are.

### We therefore have a responsible approach to procurement which requires suppliers to have a EDI Plan, including where appropriate a staff training plan.

**1.3 Encouraging EDI in procurement**

1.3.1 The [‘GLA Group responsible procurement policy’](https://www.london.gov.uk/sites/default/files/gla_group_rpp_v7.12_final_template_for_web.pdf) sets out how TfL will encourage EDI, by:

* Removing barriers in our procurement approaches and processes that inhibit Small to Medium Enterprises (SMEs), community sector organisations, diverse enterprises and under-represented groups from easily entering our supply chain. We will ensure our procurement processes are transparent, straightforward, and open to the whole of the supplier community.
* Paying our suppliers promptly and paying SME suppliers within 10 working days, in recognition of their specific challenge around cash flow, and encouraging our supply chain to adopt supportive practices.
* Reviewing our requirements to ensure the goods and services we buy support EDI within our own workforce.
* Identifying opportunities to encourage our suppliers to employ a workforce that is representative of the diversity of London’s population and provide services that are inclusive.
* We will seek to work with organisations (and their supply chains) that have a good track record and can clearly demonstrate promoting EDI within their own organisations.
* Maximising relevant opportunities to work with voluntary and community sector organisations including social enterprises in supply and service delivery

1.3.2 TfL’s EDI objectives, listed in 1.2.1. and 1.2.2, can only be fully met through the success of its procurement policy in securing diverse supply chains that collectively promote EDI. This underpins TfL’s ‘Responsible Programme Programme’, from which it procures goods, works and services.

* + 1. Each year, TfL spends around £6 billion (about 60 per cent of its budget) with its suppliers and they are vital in helping TfL to deliver the Mayor’s plans. TfL is determined to create and sustain a diverse group of suppliers that want to work as partners and provide excellent performance. This means that TfL will actively promote diverse suppliers throughout its supply chains.
    2. For the relevant definitions please see the Glossary at the end of this document. In respect of bidders who intend to carry out the works or services in jurisdictions other than England and Wales, or intend to use subcontractors in jurisdictions other than England and Wales, the bidders must use relevant equivalent definitions appropriate to the relevant jurisdiction or jurisdictions.
    3. Where bidders will be using definitions different to those set out in the Glossary at the end of this document, they should set out in their bids the proposed definitions which they consider should apply, together with supporting information demonstrating that the proposed definitions adequately represent relevant diverse groups in the relevant jurisdiction or jurisdictions.

## Document Structure

1.4.1 TfL will evaluate each bidder’s EDI Action Plan by reference to the contribution they make to achieving the vision and objectives set out in this document.

**1.5 Structure of ITT**

### 1.5.1 This ITT is divided into the following chapters:

2. EDI – ITT Requirements

3. EDI Action Plan

4. Bidder response template

# EDI - ITT Requirements

## Overview

### The requirement is for bidders to submit:

### An overview of their approach to promoting EDI in their workplace

2.1.2 An EDI Action Plan, including objectives, actions and training to promote EDI in their workforce and in the delivery of their services

* 1. Further information as to the necessary requirements and content of the Plan is set out in sections 3 and 4 below. Bidders are referred to Section 1.3.4 and 1.3.5 above regarding the application of the definitions set out in the Glossary at the end of this document.
  2. Bidders will be evaluated on the contents of their overviews and plans.
  3. Bidders that carry out works and services outside an EU Member State should comply with the following requirements to the greatest extent permitted by the laws of their applicable jurisdiction. Where a bidder's compliance with the laws of its jurisdiction means that it is unable, materially, to comply with the EDI requirements set out in this ITT, the bidder should explain in its bid:
* the scope and nature of the statutory/regulatory constraint;
* the requirement with which the bidder is unable to comply; and
* an explanation as to how, in the bidder's opinion, such constraint prevents it from materially complying with the identified requirement.

# EDI Plan

## Overview

* 1. TfL requires bidders to prepare an EDI Overview and Action Plan for their organisation's provision of the Services. The plan should state the bidder's EDI objectives and how the objectives will be achieved over the term of the Agreement.
  2. The EDI Plan should set out the methods by which the bidder proposes to monitor and report on the implementation of its objectives and their effectiveness.

## Content

3.3.1 A comprehensive plan will reassure TfL that the following areas have been addressed:

* The bidder has a comprehensive policy that covers tackling discrimination, harassment and victimisation on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The policy should be in line with the Equality Act 2010 (or equivalent requirements in the relevant jurisdiction where the bidder will carry out the works and services) and the codes of practice of the Equality and Human Rights Commission).
* Recruitment policies and procedures ensure that the bidder does not discriminate or create unequal rates of pay between different protected groups, particularly in relation to disability, ethnicity and gender.
* This includes making sure that the bidder will publicise vacancies to encourage applicants from disadvantaged or underrepresented groups and have measures in place to proactively recruit a diverse workforce including at a senior level.
* The bidder has demonstrated that it is actively engaging with local employment agencies and local unemployment programmes so that, as vacancies arise in respect of work or services to be carried out under the Agreement, local people, particularly from groups who are underrepresented in the workforce, are made aware of these opportunities.
* There are well-defined procedures for creating safe and inclusive workplaces including ways to deal with bullying, harassment and grievances, requests for reasonable adjustments and flexible working and staff assigned to deal with issues of this nature and a robust mechanism for implementation. Additionally, it would be preferable if equality objectives were incorporated into management appraisal mechanisms.
* An appropriate plan for EDI training forms part of the EDI Action Plan and will include the following:

### detail which staff are to receive training and what the nature of the particular training will be

### clear guidance for managers on how to avoid discrimination, harassment and victimisation

* clear guidance for managers on how to promote EDI within recruitment, training and appraisal

### appropriate training on delivering inclusive products and services is available to all relevant employees

### indicate the types and levels of training, evaluation processes, and how impact will be monitored.

* Overall, the Action Plan should be clear on what it is trying to achieve and what actions will be taken by the bidder to ensure there is continual progress. Bidders are also required to identify how the Action Plan will continue to be shaped by key stakeholders such as TfL, the bidder's employees and trade unions.

# 4 Bidder Response Template

**4.1 Guidance for bidders**

4.1.1 EDI Overview

As set out in section 2.1.1 bidders are required to provide an overview of their approach to promoting EDI in their workplace. In responding to the overall requirements set out in this ITT, please include some contextual information, including reference to the key policies and initiatives to improve EDI in your workplace and any baseline information concerning your employment, delivery and contracting position. This information helps to put the EDI Action Plan in context. Key policy documents such as an EDI Policy should be appended.

4.1.2 EDI Action Plan

As set out in section 2.1.2 bidders are required to provide an EDI Action Plan, including objectives, actions and training to promote EDI in their workforce and in the delivery of their services.

4.1.3 Page Limit

All relevant information for the submission is to be included within the Overview and Action Plan and **should not exceed 10 pages in total.** Any relevant policies are to be appended. Any other information provided beyond the 10 page limit will not be considered.

**4.2 EDI Action Plan Template**

Below is a suggested template for EDI Action Plans, with some example objectives. Bidders are encouraged to develop their own format to suit their organisation.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **EDI Objective** | **Current position/ baseline** | **Action** | **Timing** | **Person responsible** | **Resources** | **KPIs** |
| Recruit and retain a workforce reflective of the local area | From workforce diversity statistics |  |  |  |  |  |
| Move all staff onto London Living Wage |  |  |  |  |  |  |
| Collect and analyse diversity data |  |  |  |  |  |  |
| Reduce gender pay gap |  |  |  |  |  |  |
| Inclusive recruitment training for hiring managers |  |  |  |  |  |  |
| Managing diversity for all line managers/ supervisors |  |  |  |  |  |  |
| Inclusive customer service for all public facing staff |  |  |  |  |  |  |

**5 List of resources**

|  |  |
| --- | --- |
| Mayor’s Good Work Standard | <https://www.london.gov.uk/what-we-do/business-and-economy/supporting-business/what-mayors-good-work-standard> |
| Equality and Human Rights Commission | <https://www.equalityhumanrights.com/sites/default/files/good_equality_practice_for_employers_equality_policies_equality_training_and_monitoring.pdf> |
| Stonewall | <https://www.stonewall.org.uk/creating-inclusive-workplaces/best-practice-toolkits-and-resources> |
| Chartered Institute of Personnel and Development | <https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity> |
| Inclusive Employers | <https://www.inclusiveemployers.co.uk/resources> |
| Business in the Community | <https://www.bitc.org.uk/campaigns-programmes/employment-diversity/DiversityInclusion> |
| Employers for Carers | <https://www.employersforcarers.org/> |
| Disability Rights UK | <https://www.disabilityrightsuk.org/> |

# Glossary

**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** is defined in England using the Low Income High Costs (LIHC) indicator. Under the LIHC indicator, a household is considered to be fuel poor if they have required fuel costs that are above average (the national median level) and were they to spend that amount, they would be left with a residual income below the official poverty line

**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.

## Supplier Diversity. For the purposes of TfL’s supplier diversity programme, diverse suppliers are from one of the following 5 categories:

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## 1. Small and Medium Enterprises (SMEs).

## A small enterprise is a business which has both 0-49 full-time equivalent employees and either;

* Turnover per annum of no more than £5.6 million net (or £6.72 million gross) in the last financial year; or
* Balance sheet total of no more than £2.8 million net (£3.36 million gross).

### A medium enterprise is a business which has both 50-249 full-time equivalent employees and either;

* Turnover per annum of no more than £22.8 million net (or £27.36 million gross) in the last financial year; or
* Balance sheet total of no more than £11.4 million net (or £13.68 million gross).

2. A minority-led business is a business which is 51% or more owned by members of one or more BAME groups. Minority ethnic groups are all people including those who have classified themselves as members of ethnic groups other than ‘white British’. The minority ethnic classification groups used by TfL for monitoring purposes are those taken from the census:

|  |  |
| --- | --- |
| Ethnic group | Racial Origin |
| White British | Irish  Any other White background |
| Mixed | White & Black Caribbean  White & Black African  White & Asian  Any other Mixed background |
| Asian or Asian British | Indian  Pakistani  Bangladeshi  Any other Asian background |
| Black or Black British | Caribbean  African  Any other Black background |
| Chinese or other Ethnic Group | Chinese  Any other ethnic group |

1. A supplier from an under-represented group which is 51% or more owned by members of one or more of the following groups (where not covered by previous definitions):

* Women
* Disabled people
* Lesbians, gay men, bisexual
* Trans people
* Older people (aged 60 or over),
* Younger people (aged 24 or under)

1. A supplier from a protected group is one which is 51% or more owned by members of a group for which protection is provided by anti-discriminatory legislation and which is not already covered by the above (such as religious, faith or belief groups or alternatively, ownership by a social enterprise or a voluntary/community organisation).
2. Suppliers demonstrating a diverse workforce composition are those with full time equivalent employees in the supplier’s workforce who may be from one or more minority ethnic groups, and/or under-represented groups and/or protected groups as listed above.

**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.