
Appendix H – Equality and Diversity Form

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1 Introduction

1.1 Purpose of Appendix

- 1.1.1 This Appendix 1 describes TfL's 'Equality and Diversity' policy, and how the Service Provider is expected to apply aspects of this policy in the context of the provision of the Services to ensure equality and diversity across the workforce, and sustainable procurement of a diverse range of suppliers.
- 1.1.2 TfL's vision is:

"To sustain London's place as a premier world city. Transport for London aims to be the world's leading transport authority, delivering safe, reliable and integrated transport to all those who live in, work in, or visit London."

1.2 Document Structure

- 1.2.1 To achieve this, TfL has the following Equality and Diversity goals, which are supported by TfL's 'Equality and Diversity Policy Framework':
- to promote equality of opportunity;
 - to promote good relations between different groups/communities;
 - to eliminate unlawful discrimination; and
 - to provide accessible transport for all.
- 1.2.2 TfL will evaluate each bidder's Equality and Diversity policies by reference to the requirements set out in this document. If bidders are not able or willing to comply with contractual conditions which meet these requirements, they may be excluded from the procurement process, and this aspect will therefore be assessed on a pass or fail basis.
- 1.2.3 Bidders are required to submit their plans using the response templates in [Section 6](#).

1.3 Structure of Appendix

- 1.3.1 This Appendix 1 is divided into the following chapters:
2. Procurement and supplier diversity
 3. Equality and Diversity – ITT Requirements
 4. Equality Policy
 5. Diversity Training Plan
 6. Bidder response templates

2 Sustainable Procurement and Supplier Diversity

2.1 Overview

2.1.1 TfL's aforementioned Equality and Diversity goals are enshrined in its procurement policy and consequently its supply chains. This underpins TfL's 'Supplier Diversity Programme' with its current and future suppliers, from which it procures goods, works and services.

2.1.2 TfL's vision of supplier diversity is as outlined below:

"Transport for London will proactively encourage Diverse Suppliers to participate in its procurement process for Goods, Works and Services. It will provide a level playing field of opportunities for all organisations including Small and Medium Enterprises (SMEs), Black and Minority Ethnic (BME) businesses and other Diverse Suppliers. Within its obligations as a Best Value Authority and in compliance with EU and UK legislation, TfL's procurement process will be transparent, objective and non-discriminatory in the selection of its suppliers. TfL will actively promote Diverse Suppliers throughout its supply chains."

2.1.3 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.

2.1.4 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 the minority ethnic groups in the relevant jurisdiction or jurisdictions.

2.1.5 TfL will deliver its supplier diversity vision by executing the following strategies:

- influencing its strategic suppliers to embed diverse suppliers into their supply chains via a 'Supplier Relationship Management Programme';
- harnessing best practice on supplier diversity from global organisations implementing similar programmes;
- hosting supplier forums to target diverse suppliers who sell goods, works or services in the sectors where TfL spends its money;
- innovating a variety of tendering and contract packaging options, which attract diverse suppliers to bid for TfL's business;
- optimising the use of technology to publicise relevant information to diverse suppliers and to reduce their costs of selling to TfL; and
- integrating its own business processes and systems to capture relevant data and monitor improvements in supplier diversity.

3 Equality and Diversity - Requirements

3.1 Overview

3.1.1 Bidders should prepare and submit the following documents, which are described, in turn, in the next sections of this Appendix 1:

- Equality Policy;
- Diversity Training Plan.

3.1.2 Further information as to the necessary requirements and content of each of these documents is set out in sections 4 to 6 below. Bidders are referred to [Section 2.1.3](#) above regarding the application of the definitions set out in the Glossary at the end of this document.

3.1.3 Bidders are each required to submit an Equality Policy and Diversity Training Plan (each as defined in the following sections) as part of their response to this ITT. Bidders will be evaluated on the contents of their submitted policies and plans and evaluation will be on a pass/fail basis. Where a bidder is assessed to have failed in relation to any of these documents, they will not progress any further in this procurement process.

3.1.4 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 Equality and Diversity requirements set out in this Appendix 1, 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.

4 Equality Policy

4.1 Overview

- 4.1.1 TfL requires bidders to prepare an equality policy for their organisation's provision of the Services (the **"Equality Policy"**). The policy should state the bidder's equality and diversity objectives and the means by which the objectives will be achieved over the term of the Agreement.
- 4.1.2 The Equality Policy should set out the methods by which the bidder proposes to monitor and report on the implementation of the policy and its effectiveness.

4.2 Content

- 4.2.1 A comprehensive policy document will reassure TfL that the following areas have been addressed:
- a comprehensive policy has been adopted that covers race, gender, disability, age, faith and sexual orientation. The policy should be in line with current UK legislation (or equivalent requirements in the relevant jurisdiction where the bidder will carry out the works and services) including the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Age Discrimination Act 2006, and the Equal Pay Act 1970 and the codes of practice of the three equality commissions (i.e. the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission);
 - recruitment policies and procedures will be adopted and reviewed regularly to ensure that they do not discriminate, create unfair conditions of employment or create unequal rates of pay particularly between men and women;
 - 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 are made aware of these opportunities;
 - the bidder will publicise vacancies to encourage applicants from disadvantaged groups. Recruitment processes for the Service Provider will need to be reviewed on a regular basis to ensure that all potential barriers to recruitment particularly with regard to disadvantaged groups have been removed;
 - there will be well-defined procedures to deal with harassment and grievances, 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;
 - the policy is clear on what it is trying to achieve and what actions will be taken by the Service Provider to ensure there is continual progress. Bidders are also required to identify how the policy will continue to be shaped by key stakeholders such as TfL, the bidder's employees and trade unions.

5 Diversity Training Plan

5.1 Overview

- 5.1.1 TfL requires bidders to each prepare a diversity training plan that explains the strategy for ensuring that its employees, who are engaged in providing services required in respect of the Services, are trained in and understand the equality and diversity issues which may arise in the workplace and in the delivery of the Services (the “**Diversity Training Plan**”).

5.2 Content

- 5.2.1 Bidders should identify as part of the Diversity Training Plan, those employees that will receive the equality and diversity training and the proposed timeframes for providing the training. The plan should also identify those persons or organisations that will provide the equality and diversity training, the proposed content, and the duration of the proposed training programmes.
- 5.2.2 Within the Diversity Training Plan, bidders will need to have identified resources and personnel to deliver this training plan and to assess its outcomes. Employees in managerial roles should receive equality impact assessment training and managing diversity competency training. New employees should receive equality and diversity training as part of their induction and be made aware of equality goals that have been set.
- 5.2.3 A comprehensive Diversity Training Plan will reassure TfL that the plan, together with a programme of implementation, provides relevant senior managers with clear guidance on non-discriminatory practices within recruitment, training, and appraisal, and delivers comprehensive training to relevant employees. The plan should also indicate the types and levels of training and evaluation processes, and how effectiveness will be monitored.

6 Bidder Response Templates

Guidance for suppliers

It is helpful if each submission is accompanied by some contextual information including reference to the key policies of the supplier and the baseline information concerning the supplier's employment, delivery and contracting position. This information helps to put the action plan in context. Key policy documents such as the equality and diversity policy (or equivalent) can be appended. However, only relevant E&D policies are required.

All relevant information for the submission is to be included and the total E&D submission should not exceed 10 pages with the exception of any appendices. Any appendices should only to include relevant policies as any other information will not be considered.

Action Plans

A suggested structure for all action plans is outlined below

- Equality and diversity objective – what are you seeking to achieve
- Current position/Baseline - what does your baseline data say about where you are (this should provide some guidance as to the additional actions to be taken or actions to be dis/continued. TfL's E&D Target groups relates to: age, disability, ethnicity, faith/belief, gender and sexual orientation.
- Action/task – what are you going to do towards meeting your objective
- When this will happen – when will you take the action specified above
- Person responsible – who will be responsible for this action
- Resource - you may also want to consider the resources needed to take action over and above the responsible officer
- Measure of success (outcome/KPI's) – what will success look like

The objectives and actions indicated under policy and plans are purely illustrative. The objective and plans selected will vary depending on the situation of the company concerned. However, the areas covered below are indicative of objective areas that TfL would at least expect suppliers to have considered.

Equality & Diversity Policy/Strategic Plan

Equality and diversity objective (Examples)	Current position/Baseline (examples)	Action/task	When	Person responsible	Resource implications	Measure of success
To create a workforce that is reflective of the diversity of area	<p>For example – there is no data currently collected on ethnicity, faith etc.</p> <p>There are no links with educational institutions</p> <p>The E&D policy has not been</p>	<p>Collate workforce diversity data on all equality groups</p> <p>Survey employees on their ethnicity</p> <p>Develop links with schools/ colleges representing diverse communities</p> <p>Monitor data on a six monthly basis</p> <p>Review and update policy</p>	April 2008	Dir of HR	Data analyst	<p>Workforce is increasingly reflective of gender, ethnic, disability diversity</p> <p>20% of staff are women by 2013</p> <p>29% of staff are BAME by 2013</p> <p>8% of staff are disabled</p> <p>40% of new staff are women by x year</p>

	reviewed in the last three years					
To ensure that suppliers adopt similar approaches to E&D						
Fair Employment practices including working with employment agencies						
To ensure that appropriate policies are in place and are regularly monitored and reviewed						
To eradicate any form of bullying or harassment from the organisation						

Training Plan

Equality and diversity objective (Examples)	Current position/Baseline	Action/task	When	Person responsible	Resource implications	Measure of success
Ensure that there is an effective E&I training programme in place for staff at all levels of the organisation						
Ensure that all contractor staff receive appropriate E&D training						
To provide access to training and development opportunities for people in the locality including those in schools and colleges in the area						
To ensure that E&D training is effectively resourced						

KPIs

KPIs should largely focus on measuring outcome. Ideally they should be grouped together and demonstrate a link to the measures of success relating to each of the objectives. They should extend over the lifetime of the contract at least.

Glossary

Diverse Suppliers

For the purposes of TfL's supplier diversity programme, "*Diverse Suppliers*" comprise of the following four sub-sets:

- Small and Medium Enterprises (SMEs);
- Black, Asian and Minority Ethnic businesses (BAMEs);
- suppliers from other under-represented or protected groups; and
- suppliers demonstrating a diverse workforce composition.

More detailed explanations of the four subsets are given below.

Small and Medium Enterprises (SMEs)

A **Small Enterprise** is a business which has both the following:

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 the following:

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).

Black, Asian and Minority Ethnic businesses (BAMEs)

A Black, Asian and Minority Ethnic (BAME) business is a business which is 51% or more owned by members of one or more Black, Asian or Minority ethnic 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:

Ethnic group	Racial Origin
White	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

Suppliers from other under-represented groups or protected groups

- a) A supplier from an under-represented group is one which is 51% or more owned by members of one or more of the following groups under the headings below (where not covered by previous definitions):
- (i) Women (gender);
 - (ii) Disabled people with physical and sensory impairments, learning difficulties and mental health requirements;
 - (iii) Lesbians, Gay men, Bisexual and Transgender people (sexual orientation); and
 - (iv) Older people (aged 60 or over), young people (aged 24 or under) (age).
- b) 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).

Suppliers demonstrating a diverse workforce composition

This relates to 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.