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LAGANSIDE CORPORATION

PROCUREMENT POLICY

EQUALITY IMPACT ASSESSMENT REPORT

CONTENTS

PAGE

EXECUTIVE SUMMARY	3
INTRODUCTION	5
SECTION 75 REQUIREMENTS	6
POLICY	7
BACKGROUND	8
DATA COLLECTION & CONSULTATION	10
KEY FINDINGS	11
CONCLUSIONS	12

APPENDICES

APPENDIX 1 -	LAGANSIDE CORPORATION DESIGNATED AREA MAP
APPENDIX 2 -	FAIR EMPLOYMENT DECLARATION FORM
APPENDIX 3 -	CONSULTATION LIST
APPENDIX 4 -	CONSULTATION COMMENTS REPORT
APPENDIX 5 -	IMPLEMENTATION OF THE STRATEGIC REVIEW OF PUBLIC PROCUREMENT POLICY EQUALITY IMPACT ASSESSMENT

EXECUTIVE SUMMARY

- A. Laganside Corporation is a non-departmental public body created by the Laganside Development (Northern Ireland) Order 1989. The Corporation is a small organisation whose parent department is the Department for Social Development.
- B. The Corporation's Object is the regeneration of the designated area (Appendix 1)
- C. The Corporation's *Procurement* policy states:
- 'The Corporation conforms to the normal public sector standards of procurement ... The Corporation is committed to procuring value for money and ensuring that potential suppliers are given equality of opportunity to compete for the Corporation's business'.*
- D. The Corporation procures in a number of ways:
- NICS centrally negotiated contracts where appropriate.
 - the services of the Procurement Service for the procurement of certain major contracts and the services of appropriately qualified professionals for construction and other relevant contracts.
 - in-house for other procurement – this accounts for only approximately 10% of total procurement.
- E. Laganside's *Procurement* policy was not included in the initial screening exercise as Equality Commission guidance stated this policy must be assessed for equality impact.
- F. The Department of Finance and Personnel has completed an equality impact assessment of its revised public procurement policy and has concluded that:
- the new procurement policy will not be directly or indirectly discriminatory against any of the groups covered within Section 75 of the Northern Ireland Act 1998.

- the revised policy could have a positive impact on equality of opportunity with regard to religious belief, political opinion, gender and disability.
- the proposals are in line with the Executive's policy on targeting disadvantage and social need.

G. Comment received during the EQIA consultation period centred around the EQIA process and the lack of monitoring data.

H. Laganside Corporation considered if there were any actions which might better achieve the promotion of equality of opportunity. The following actions which will also form the basis for monitoring the policy were agreed, Laganside Corporation will:

- Monitor equality of opportunity complaints resulting from the implementation of this policy
- Be guided by the outcomes of appropriate Procurement Service/Department of Finance and Personnel equality impact assessments

INTRODUCTION

1. Laganside Corporation was created by the Laganside Development (Northern Ireland) Order 1989 which came into operation in May 1989. The Corporation is a small organisation, whose parent Department is the Department for Social Development. The Object and Powers of the Corporation are described in Part III of the Order as follows:
2. The Object of the Corporation shall be to secure the regeneration of the designated area (Appendix 1).
3. The Object is to be achieved in particular by the following means:
 - a. by bringing land and buildings into effective use.
 - b. by encouraging public and private investment and the development of existing and new industry and commerce.
 - c. by creating an attractive environment.
 - d. by ensuring that housing, social, recreational and cultural facilities are available to encourage people to live and work in the area.
4. Within this legislative context the aims of the Corporation are set out in its current Corporate Plan as:
 - ◆ Secure the regeneration of the Laganside area within an agreed strategy for the regeneration of Belfast.
 - ◆ Commit to the principles of equality, human rights and the targeting of social need.
 - ◆ Provide significant long-term economic, social and recreational benefits for the citizens of Northern Ireland.
 - ◆ Engage and secure the participation of local communities in the regeneration of the Laganside area.
 - ◆ Contribute to the development of a positive international image of Belfast leading to increased investment, and encouraging tourism.

SECTION 75 REQUIREMENTS

5. Section 75 of the Northern Ireland Act (the Act) requires the Corporation in carrying out its functions to have due regard to the need to promote equality of opportunity:
 - ◆ Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation.
 - ◆ Between men and women generally.
 - ◆ Between persons with a disability and persons without.
 - ◆ Between persons with dependents and persons without.

6. In addition and without prejudice to its obligation above the Corporation shall, in carrying out its functions, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

7. Schedule 9 of the Act requires the Corporation to set out in an Equality Scheme how it proposes to fulfil the duties imposed by Section 75. The Equality Scheme, which has been approved by the Equality Commission, sets out the arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by Laganside Corporation on promotion of equality of opportunity. The layout of this report follows Equality Commission guidance.

8. The Equality Commission considers that conducting an equality impact assessment requires seven separate elements, as set out in its 'Guide to the statutory duties':
 - Consideration of Available Data & Research
 - Assessment of Impacts
 - Consideration of:
 - Measures which might mitigate any adverse impact; and
 - Alternative policies which might better achieve the promotion of equality of opportunity
 - Formal Consultation
 - Decision by Public Authority
 - Publication of Results of Equality Impact Assessment
 - Monitor for Adverse Impact in Future and Publication of the Results of Such Monitoring.

POLICY

9. The Corporation conforms to the normal public sector standards of procurement. In order to ensure that these are attained the Corporation uses centrally negotiated contracts where appropriate; the services of the Procurement Service for the procurement of certain major contracts and the services of appropriately qualified professionals for construction and other relevant contracts. Other procurements are dealt with in-house. The Corporation is committed to procuring value for money and ensuring that potential suppliers are given equality of opportunity to compete for the Corporation's business.

BACKGROUND

10. Laganside's Procurement policy did not undergo initial screening as Equality Commission guidance stated that this policy must undergo an equality impact assessment. The procedure for conducting the equality impact assessment of Laganside's procurement policy followed the guidance issued by the Equality Commission.
11. The EQIA consultation document for this policy set out that The Department of Finance and Personnel (DFP) state that 'The term "procurement" covers construction, the purchase of goods and services and the most appropriate methodology to secure cost effectiveness and efficiency... Procurement must take place within European Community and international regulations designed to ensure fair and open competition'.
12. Since then, DFP have revised the public procurement policy which now states that 'Public procurement is the process of the acquisition, usually by means of a contractual arrangement after public competition, of goods, services, works and other supplies. The concept of "best value for money" is defined as the optimum combinations of whole life cost and quality (or fitness for purpose) to meet the customer's requirements.'
13. Laganside's procurement policy reflects, within a Laganside Corporation context, the principles of that operated by the Northern Ireland Civil Service.
14. The Corporation procures in a number of ways, using:
 - centrally negotiated contracts where appropriate.
 - the services of the Procurement Service, previously known as the Government Purchasing Agency (GPA) for the procurement of certain major contracts and the services of appropriately qualified professionals for construction and other relevant contracts.
 - in-house for other procurement – this accounts for only approximately 10% of total procurement.

15. Centrally negotiated contracts are those which the Procurement Service negotiate on behalf of DFP for the Northern Ireland Civil Service generally, e.g. procurement of IT equipment. Responsibility for Public Procurement policy rests with the Minister for Finance and Personnel. DFP has lead responsibility for the policy and has committed to involving non-Departmental public bodies (of which Laganside Corporation is one) with any equality impact assessments which may be necessary.
16. Laganside's approved Equality Scheme sets out in para.5.18 that the Corporation does not anticipate performing an equality impact assessment on procurements carried out on behalf of the Corporation by the Procurement Service and will rely on the arrangements in place within the Procurement Service. Laganside will engage in a partnership approach with the relevant agencies on such occasions.
17. Laganside has internal procurement procedures, the objective is always to comply with best public sector practice. The internal procurement procedures set out the principles and procedures to be followed by all Laganside Corporation staff in the procurement of goods and services. All staff have a personal copy of internal procurement procedures.
18. Internal procurement procedures stipulate that all procurement by the Corporation of works, supplies and services can be shown to be properly authorised and acquired by fair and open means through correct procedures.
19. Internal procurement procedures set out guidance and the procedures to be implemented when tendering for goods and services, obtaining quotations and direct purchasing. Also included is a procurement procedure checklist.

DATA COLLECTION & CONSULTATION

20. Laganside does not request Section 75 information from suppliers. However, as a public sector body, Laganside complies with Fair Employment legislation in its procurement policy by ensuring it does not transact business with 'unqualified' suppliers. Any new supplier is required to complete a declaration and undertaking as shown in Appendix 2.
21. It was important that Laganside Corporation, through formal consultation, was aware of the views that consulted groups may have regarding the EQUALITY IMPACT issues specific to this policy.
22. An equality impact assessment consultation document was prepared and sent to the organisations in Appendix 3. This list is not exhaustive and others could request a copy.
23. The availability of the consultation document was advertised in three Belfast daily newspapers – The Belfast Telegraph, The Irish News and The Newsletter. In addition, Laganside's newssheet 'Laganlines' advertised the availability of the consultation document and the consultation period. The consultation document was also available on the website www.laganside.com
24. Laganside Corporation commits to ensuring that its consultations are timely, open and inclusive. The consultation period lasted from 1st May to 5th July 2002.
25. In order to eliminate barriers to consultation Laganside Corporation put in place arrangements which enabled relevant information to be available in Braille, audiocassette and minority languages for those who have difficulty understanding English.
26. At the end of the consultation period, the Corporation had received one written response to the consultation document. The comments contained in that response are set out in Appendix 4.

KEY FINDINGS

27. The Laganside Attitude and Awareness Survey (2001) was checked for relevant information. This survey indicated that:
- Residents/business rate the performance of Laganside on delivering 'providing value for money' as 88%/93% important and 71%/66% satisfied respectively.
28. As stated in paragraph 14 the Corporation procures in a number of ways, 90% of which is via centrally negotiated contracts where appropriate or the Procurement Service for the procurement of certain major contracts and the services of appropriately qualified professionals for construction and other relevant contracts; remaining procurement, which amount to approximately 10%, is carried out in-house.
29. Section 75 information is not requested from suppliers. However, as a public sector body, Laganside complies with Fair Employment legislation in its procurement policy by ensuring it does not transact business with 'unqualified' suppliers.
30. A review of procurement policy and purchasing arrangements in Northern Ireland Departments, their Agencies and Non-Departmental Public Bodies has been carried out and an implementation team (led by DFP) was formed to consider the findings and recommendations for the review and to map out an agenda for taking the work forward.
31. DFP undertook an equality impact assessment as part of that review. DFP has considered the revised policy in the context of existing Northern Ireland anti-discrimination legislation and European Union Directives on procurement and is satisfied that the proposals should not be directly or indirectly discriminatory against any of the groups covered within section 75 of the Northern Ireland Act 1998.
32. DFP is of the view that the revised policy could have a positive impact on the equality of opportunity with regard to religious belief, political opinion, gender and disability. In addition, the proposals are in line with the Northern Ireland Executive 's policy on targeting disadvantage and social need. Laganside awaits guidance and instruction from DFP.

CONCLUSIONS

33. Laganside conforms to the normal public sector standards of procurement. DFP, in the document titled 'IMPLEMENTATION OF THE STRATEGIC REVIEW OF PUBLIC PROCUREMENT POLICY EQUALITY IMPACT ASSESSMENT' (Appendix 5) is of the view that the revised policy could have a positive impact on equality of opportunity with regard to religious belief, political opinion, gender and disability.
34. Laganside will engage, if required, in a partnership approach with the Procurement Service when the latter undertakes appropriate equality impact assessments.
35. Laganside will assist DFP if required in appropriate equality impact assessments and will take into consideration the outcomes of such equality impact assessments.
36. In terms of monitoring the policy Laganside Corporation will:
 - Monitor equality of opportunity complaints resulting from the implementation of this policy.
 - Be guided by the outcomes of appropriate Procurement Service/Department of Finance and Personnel equality impact assessments.
37. Laganside Corporation will publish monitoring results as set out in the Equality Scheme.
38. If the monitoring and evaluation show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, Laganside Corporation will ensure that the policy is revised.
39. Should any new evidence/data become available, Laganside Corporation will take it into consideration.
40. Laganside Corporation has put in place arrangements which will enable a copy of the EQIA report to be available in Braille, large print, and audiocassette and minority

languages for those who are not fluent in English. These formats will be produced on request within a reasonable timescale.

41. To obtain a copy in any of these formats please contact:

Concepta McGibbon – Equality Officer

Laganside Corporation

Clarendon Building

15 Clarendon Road

Belfast. BT1 3BG

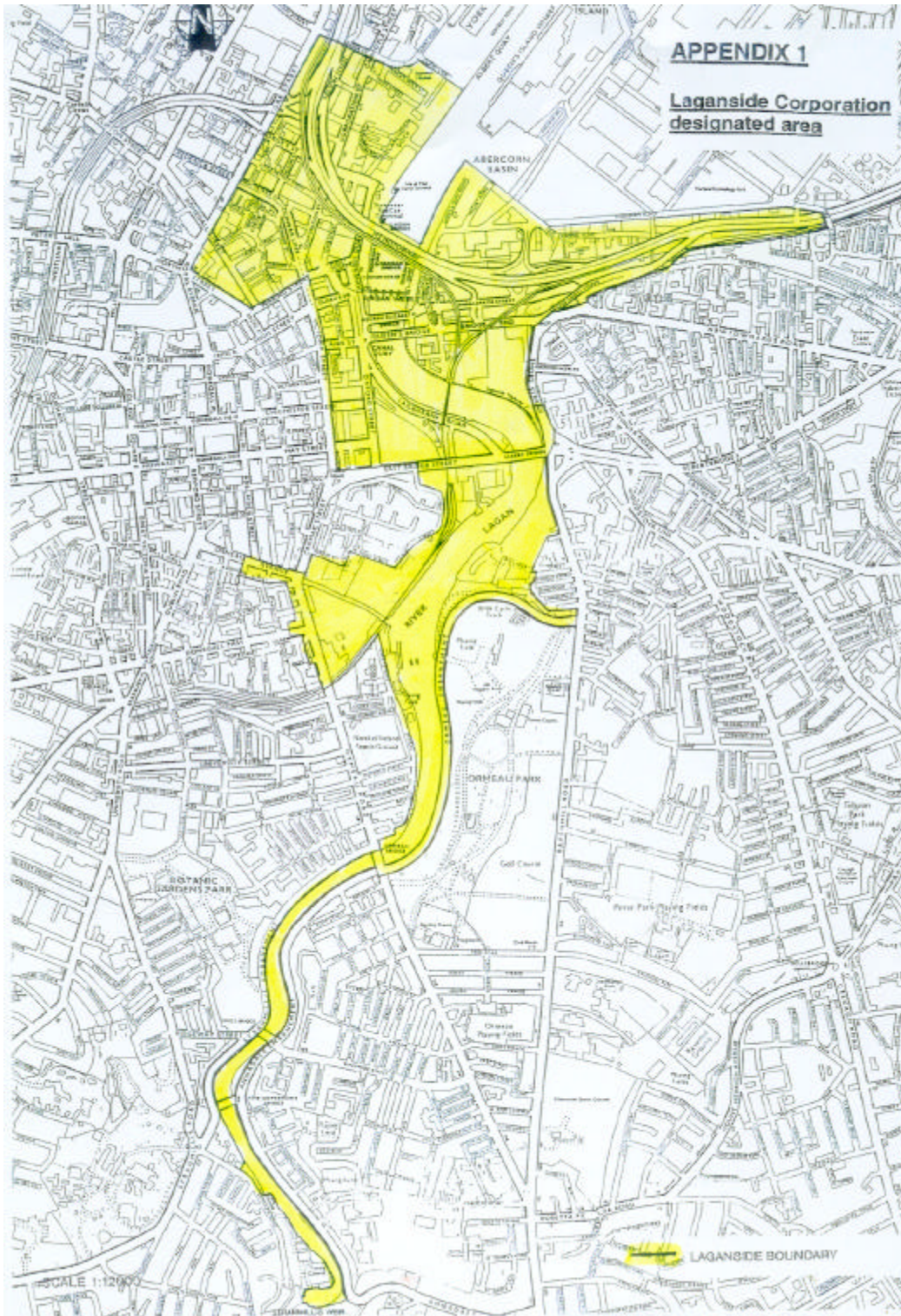
Tel: 028 9032 8507

Fax: 028 9033 2141

Text phone (Minicom): 028 9024 8609

Email: concepta@laganside.com

42. This EQIA report is also be available on our internet site at <http://www.laganside.com>



**DECLARATION AND UNDERTAKING TO BE SIGNED BY ALL MAIN
CONTRACTORS, NOMINATED SUB-CONTRACTORS OR CONSULTANTS
TENDERING FOR THE EXECUTION OF WORKS OR THE SUPPLY OF GOODS OR
SERVICES AND MUST BE RETURNED AT THE TIME OF TENDERING**

PROCUREMENT SERVICE

FAIR EMPLOYMENT AND TREATMENT (NORTHERN IRELAND) ORDER 1998

1. Article 64 of the Fair Employment and Treatment (Northern Ireland) Order 1998 provides inter alia that a public authority shall not accept an offer to execute any work or supply any goods or services where the offer is made by an unqualified person in response to an invitation by the public authority to submit offers. Article 64(4) also provides that the public authority shall take all such steps as are reasonable to secure that no work is executed or goods or services supplied for the purposes of such contracts as are mentioned above by an unqualified person.
2. For the purposes of Articles 64-66 of the Order, an unqualified person is a person on whom a notice has been served under Article 62(2) or Article 63(1) of the Order and which has not been cancelled.
3. Mindful of its obligations under the Order, the Procurement Service has decided that it shall be a condition of tendering that a contractor shall not be an unqualified person for the purpose of Articles 64-66 of the Order.
4. Contractors are therefore asked to complete and return the form endorsed hereon, with their tender, to confirm that they are not unqualified persons and to undertake that no work shall be executed or goods or services supplied by an unqualified person for the purposes of any contract with the Procurement Service to which Article 64 of the Order applies.

FAIR EMPLOYMENT AND TREATMENT (NORTHERN IRELAND) ORDER 1998

I/We hereby declare that I am/we are not unqualified for the purposes of the Fair Employment and Treatment (Northern Ireland) Order 1998.

I/We undertake that no work shall be executed or goods or services supplied by any unqualified person for the purposes of any contract with the Procurement Service, to which Article 64 of the Order applies.

Signed by _____

Duly authorised to sign for and on behalf of _____

Date _____

Appendix 3
Consultation List

Age Concern
Alliance Party
Anglican Church
Arts Council of Northern Ireland
Association of Northern Ireland Colleges
Baha'i Office for Northern Ireland
Belfast City Council
Belfast Harbour Commissioners
Belfast Hebrew Congregation
Belfast Islamic Centre
Belfast L.G.B.T Pride Committee
Carers National Association
Catholic Church
Chinese Welfare Association
Community Relations Council
CoSO – Coalition on Sexual Orientation
Democratic Unionist Party
Department for Social Development
Disability Action
Downtown Women's Group
East Belfast Partnership Board
Equality Commission for Northern Ireland
Equality Coalition
Greater Shankill Partnership Board
Help the Aged
Indian Community Centre
Mencap
Methodist Church in Ireland
Multi Cultural Resource Centre
NICEM – NI Council for Ethnic Minorities
NIC-ICTU – Northern Ireland Committee, Irish Congress of Trade Unions
NICVA
NIVT
North Belfast Partnership Board
Northern Ireland Hindu Cultural Centre
Northern Ireland Public Service Alliance
Northern Ireland Youth Forum
NUS/USI Northern Ireland Student Centre
Parents Advice Centre NI
Presbyterian Church
RNIB
RNID
SDLP
Sinn Fein
South Belfast Partnership Board
Ulster Unionist Party
UNISON
West Belfast Partnership Board
Youth Council for Northern Ireland

APPENDIX 4

Consultation Comments

Introduction

This document sets out the comments received during the formal consultation period for the Equality Impact Assessment (EQIA) of Laganside Corporation's 'Procurement' policy and Laganside's response to the comments.

The consultation period commenced 1st May and terminated 5th July 2002. During this period one written reply was received.

The purpose and context of the consultation was the equality impact assessment on Laganside's *Procurement* policy.

Assessing the comments

A group including senior staff of the Corporation carefully considered the comments contained in the written reply.

The comments made in the consultee's reply together with Laganside's response (in italics) are set out below.

Comments

A suggestion was made that the consultation document should include a brief outline of the seven stages required to be followed by the Corporation in order to comply with Equality Commission guidance on conducting EQIAs. In addition, a comment was made that it would be helpful to outline the rationale for conducting EQIAs. *The Corporation's EQIA consultation documents and EQIA final reports now include a brief outline of the stages required for conducting an EQIA.*

The consultee posed a number of questions around the evidence collected, the consideration of quantitative and qualitative data, what Section 75 groups had been talked to and how the Corporation came to its conclusion etc. *The Corporation is not a service provider per se and the EQIAs undertaken by the Corporation to date highlight the difficulties surrounding information provision and data collection. The Corporation set out in the EQIA consultation document the context of procurement within Laganside Corporation including the small percentage (~10%) of procurement actually carried out in-house, the majority (~90%) of the Corporation's procurement is carried out using either centrally (NICS) negotiated contracts or the services of the Procurement Service for the procurement of certain major contracts and the services of appropriately qualified professionals for construction and other relevant contracts. The Corporation came to its*

conclusion based on the information available at the time. The Corporation sought comment on the EQUALITY IMPACT issues specific to the policy from the groups listed in Appendix 3 and has taken comments received into account to reach its decision.

The consultee asked if the Corporation had taken account of the initial results of DFP's EQIA of the NICS Procurement policy. *Yes, and the Corporation will be guided by DFP's review of public procurement.*

The consultee also commented on the Corporation's need to consider alternative policies which would better promote equality of opportunity. *The Corporation conforms to the normal public sector standards of procurement. The Corporation will take account of the outcomes of appropriate EQIAs performed by DFP and the Procurement Service.*

Comment was made regarding the Corporation's implementation of the seven stages of performing an EQIA. The Corporation was also urged to consider multiple disadvantaged when assessing impact. *The Corporation followed Equality Commission guidance on performing EQIAs.*

Appendix 5 can be read on separate pdf document