# Equality and Procurement Training Modules

**Module 4**

# Equalities and Contract Management

## Facilitator’s notes and exercise

This exercise can be used flexibly to suit the audience. However, it works best as a tool for procurement specialists and non specialists, including equality officers to work through a scenario and input from their different perspectives.

Give them 45 minutes to read the (short) scenario and then to discuss the questions. You may want to spend a further 10 minutes collating feedback and learning points from the exercise for your organisation.

## References

Main guidance section 9

## Exercise

## Securing the future: managing and monitoring the contract

A large metropolitan local authority has recently awarded a 3 year contract to install telecare[[1]](#footnote-1) devices in old people’s homes to enable them to stay there. The contract involves working in homes of people in difficult personal circumstances and in an area where there are small but increasing levels of ethnic diversity among the elderly, where English may not be spoken as a first language.

Equalities is seen as relevant and sensitivity to users’ needs has been written into the specification. The tender evaluation model included 10% for equality and diversity and the ability to meet the needs of service users from all backgrounds.

The contract is to carry the technical work, such as installing and wiring in the devices and does not involve monitoring the service. The winning bidder previously worked with mainly private sector companies. Their bid was very competitive and met the equalities criteria satisfactorily. However you are aware that their lack of experience with more vulnerable households means you need to pay particular attention to how this part of the contract is monitored.

How would you ensure that the equalities element of the contract is effectively managed and monitored?

## What sort of performance measures/indicators might you use?

**Some issues for the facilitator**

There is evidence that a considerable proportion of public authorities do not actually monitor the equality requirements they put into their contracts. In this case, the contractor could be tempted to cut corners and the contract manager (if there is one) could likewise focus on the construction and time aspects of the task as the equality aspects are relatively small. This exercise is aimed at getting the delegates to think and plan *how* they could systematically ensure that monitoring is carried out and that the contract is managed in a positive way and then *what* they would monitor

**Question 1**: the experience of public authorities and contractors indicates that for most contracts the crucial factor in securing commitment of a contractor to meeting – and going beyond – contractual equality requirements is the establishment of a good working relationship with the contractor.

The key steps you would expect to see on performance and contract management for equalities in this case are in the main the same ones you would expect to carry out for other important aspects of the contract:

* Has monitoring of equalities requirements and clauses been included in a rigorous performance monitoring and management arrangement and this agreed with the supplier right from the start? This could be at pre contract meetings to establish expectations. Where the supplier has committed to working with vulnerable people, ensure this is documented and monitored.
* Have roles and responsibilities for managing the relationship with respect to equalities been defined? Who will in practice monitor the contract? Do they know what to look for? What are the risks? Will they need training? Point out they can always consult with community groups, users etc.
* Are staff are adequately trained on dealing with equality issues - will training can be provided by customer and/or contractor? This could include CRB checks, skills, customer care, equality awareness, safeguarding.
* Communication with the service users. How will this be done? i.e. is there a complaints process in place that will be monitored and analysed? How are service users made aware of this? Are other feedback or user surveys being considered?
* Are equalities issues systematically and regularly addressed at meetings with the supplier? Are equalities staff or service users and others consulted to provide feedback? Monitoring should be built into the regular reviews. The authority should take a decision whether to rely on the contractor’s own monitoring or to do some occasional checking of their own.
* Is the issue of how to continuously improve the supplier’s equalities performance throughout the course of the contract and/or (voluntarily) improve across their whole organisation being discussed? Knowing the contractor has not done as much public sector work and also knowing that there will be an increase in older, non-English speaking residents, how will the authority ensure the contractor will maintain and improve their performance on this aspect of the contract over time?
* Has the scope for further community benefits on a voluntary basis been explored? The contract offers the potential for creating training opportunities or work experience opportunities for disadvantaged young people.

**Question 2:** this should focus on what the actual performance measures might be and what sort of evidence a contracts manager might look for. What key performance indicators could be used?

Types of performance measures or systems which might be used include:

* Sophisticated tools such as Balanced scorecard, EFQM, Six Sigma
* Survey, benchmarking, cost modelling
* Stakeholder analysis
* GQM (goal, question, metric)
* Periodic reviews
* MBO (management by objectives or benefits)
* Measurement against the 3 Es - Economy Efficiency, Effectiveness

It is crucial to get the group to consider actual performance measures -

A broad outcome measure for example might be increased percentages of vulnerable groups staying in their homes and improved perceptions of their safety by the residents and their carers/families. Other measures and evidence, could include comparable success rates at getting telecare devices installed in homes of all types of household, evidence that the contractor has trained and supported its employees or introduced effective customer care standards which address these issues, and evidence from ongoing complaints and customer satisfaction monitoring and analysis.

1. Telecare is a system for offering remote care of elderly and physically less able people, providing the care and reassurance needed to allow them to remain living in their own homes. The use of sensors may be part of a package which can provide support for people with illnesses such as dementia, or people at risk of falling. [↑](#footnote-ref-1)