



Ministry  
of Justice

# Sustainable Procurement Policy

July 2019

## Version control

Issue	Purpose	Date
001	Draft issued for comment	December 2018
002	Issued for review	January 2019
003	Issued for approval by SSB	February 2019
004	Approved	February 2019



## 1 Introduction

- 1.1 This policy seeks to provide a framework within which all procurement activity across the Authority will result in enhanced sustainability outcomes.
- 1.2 Sustainable procurement is defined as:

“a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.”
- 1.3 This definition is based on three pillars of sustainability: environmental, social, and economic.
- 1.4 The health of each pillar depends on that of the other two, meaning that all three must be considered in unison to achieve sustainable outcomes.
- 1.5 **Environmental:** Seeking to minimise any negative environmental impacts of goods and services purchased, across the whole life cycle from raw material extraction to end of life.
- 1.6 **Social:** Managing and monitoring supply chains to ensure that fair contract prices and terms are applied, that ethical, human rights and employment standards, as expressed in both the International Labour Organisation (ILO)'s and World Trade Organisation Fundamental Conventions<sup>1</sup> are met.
- 1.7 **Economic:** This principle relates not only to obtaining value for money from our contracts, across the whole life of the product or service, but also ensuring as far as is possible under relevant procurement law, that local businesses, particularly Small and Medium sized Enterprises (SME's) can benefit from our procurement processes, being able to supply the MoJ where it is feasible for them to do so.
- 1.8 This means that it is only possible to meet the aims of, and comply with, this policy by considering all three sustainability pillars.
- 1.9 This approach supports the MoJ's overall sustainability objectives and those of the UK Government.

## 2 Vision

- 2.1 Our vision for sustainable procurement is to make continuous improvements to the sustainability outcomes of our procurement and other commercial activity for both new and ongoing contracts across the Ministry of Justice and wherever the Authority provides such services to other Government departments.

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<sup>1</sup> Found at <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>. Note that, in 1996, the WTO deferred work on labour standards to the ILO as the competent body.

### 3 Aims

- 3.1 The aims of this policy are set out below (Table 1) along with specific objectives focused on meeting them.
- 3.2 In general, procurement activity across the MoJ should seek to support the broad sustainability aims of the UK Government such as the UK's ability to deliver on its commitments under the UN Sustainable Development Goals (SDGs) that encompass issues such as promoting sustainable public procurement practices, ending modern slavery and child labour, and reducing waste.
- 3.3 Our procurement should also support the Authority's ability to achieve any mandatory requirements and targets in place through legislation, Government policy, or internal arrangements, such as Greening Government Commitment targets.
- 3.4 For contracts likely to have a significant sustainability impact, consideration must be given to The Public Services (Social Value) Act 2012. This act places a responsibility on all public-sector bodies to consider, before the procurement process starts, the economic, environmental and social benefits of their approaches to procuring goods or services. For the purposes of this policy, any procurement activity to which the (PCR) Public Contracting Regulations (2015) apply are in scope; however, the application of the Act should be proportionate to the scale and likely impact of the goods and / or services being procured. Guidance on applying the act can be found at:  
<https://www.gov.uk/government/publications/procurement-policy-note-10-12-the-public-services-social-value-act-2012>

Table 1: Summary of Aims

Aim	Achieved by
<b>To improve our own ability to effectively respond to the sustainability agenda</b>	<p>Ensuring our procurement professionals understand the importance of sustainable procurement, are conversant with key issues, and are accountable.</p> <p>Developing meaningful internal reporting processes to allow appropriate governance of our sustainable procurement practice.</p>
<b>To improve visibility and understanding of, and engagement with, the sustainability agenda among our current and future supply chain</b>	<p>Communicating with our suppliers and clearly articulate the sustainability agenda and its importance to MoJ.</p> <p>Collaborate with our suppliers to identify and implement improvements and support our efforts to continually improve in the sustainable development arena.</p> <p>Working with suppliers to improve their own sustainability performance and that of their supply chain in areas such as:</p> <ul style="list-style-type: none"><li>• Encouraging suppliers to develop and implement effective environmental management systems such as ISO14001;</li><li>• Ensuring suppliers can provide suitable assurance on the economic, social, and environmental sustainability of their supply chain;</li></ul>

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- Where practicable, favouring products with a lower environmental impact and avoiding products which contain substances harmful to the environment;
  - Reviewing high impact ongoing contracts to identify potential opportunities to reduce negative and enhance positive sustainability outcomes;
  - Encouraging existing suppliers to bring forward options to enhance sustainability outcomes for consideration.
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**To ensure that our procurement processes appropriately consider sustainability and do not unfairly disadvantage some suppliers**

Ensuring that all procurement activity includes proportionate consideration of sustainability during the development of procurement strategies, including; market engagement, developing appropriate specifications, and speaking to experts.

Ensuring that this consideration can be robustly evidenced to satisfy our internal governance arrangements and any external scrutiny.

Ensuring that sustainability criteria are, as far as legally practicable, meaningfully considered in evaluation processes.

Ensuring that suitable opportunities to award contracts to small and medium enterprises (SMEs), and / or Social Enterprises are identified and that our procurement processes do not unfairly disadvantage these sectors of the supply chain.

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**To improve our contract management processes so that we can actively monitor, manage, and report the performance of our supply chain**

Implementing, monitoring, and acting on suitably meaningful metrics and KPIs to enable the effective management of our supply chain in terms of sustainability performance.

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## 4 Scope

- 4.1 This policy applies to all purchases, procurement activities, management of ongoing contracts, and frameworks across the Authority
- 4.2 Furthermore, this policy will also apply wherever the Authority provides a service for other Government departments which includes the procurement of goods or services.
- 4.3 The principles of the policy will also apply where the Authority utilises procurement services offered by others, such as the Crown Commercial Service where we should seek to influence frameworks and contracts to enhance sustainability outcomes.
- 4.4 Consideration must be given, not only, to the impact of the initial procurement, but also to the ongoing impact through to end of life of any goods and services procured, any decommissioning of equipment, and any other aspects which would constitute a whole life approach to assessment of sustainability impact.

4.5 Where practicable and proportionate, an analysis of whole life costs should be part of the procurement process covering, as a minimum:

- Manufacture, delivery, installation
- Operating costs including energy, water usage and maintenance
- End of life costs including decommissioning and disposal

4.6 The application of this policy should be proportionate to the likely impact of the activity in question. As such, the procurement of major, multi-supplier, long term frameworks will typically warrant closer scrutiny than a single purchasing activity.

## **5 Standards**

5.1 All contracts must ensure compliance with all relevant, current environmental legislation.

5.2 The development, letting, and management of contracts shall endeavour to support the MoJ's ability to meet its mandatory obligations under the Greening Government Commitments and will align with the Department's sustainability policies and strategies.

5.3 All government departments must comply with the mandatory Government Buying Standards (GBS) which are prepared and maintained by Defra, and principally apply to the purchase of goods.

5.4 The GBS should be seen as a backstop; the minimum standard which must be achieved when procuring relevant goods. Therefore, all contracts for which there is an applicable GBS must comply with that GBS as a minimum.

5.5 Suppliers are encouraged to bring forward proposals to go beyond GBS and offer solutions that represent best practice wherever possible.

## **6 Governance**

6.1 The responsibility for effective implementation of this policy will rest with the Chief Commercial Officer who will delegate responsibility, where appropriate, to individuals and teams within their jurisdiction.

6.2 The Senior Sustainability Board will be the accounting body for the policy, to which the CCO will provide report/s on performance at least annually.

6.3 The CCO role should include formal sustainability objectives such that they create meaningful accountability and the potential for holding to account by the CFO.

6.4 The Authority will appoint a Sustainable Procurement Champion who will be responsible for:

- Raising awareness of sustainable procurement across the Authority;
- Supporting the CCO with the development of reporting; and
- Coordinating the development of policies and plans to support the implementation of this overarching sustainable procurement policy.

6.5 The policy will be reviewed in March 2020.

## 7 Contact details

For any questions on, or suggestions for the improvement of, this policy please contact the Sustainability Team on **[SDEnquiries@justice.gsi.gov.uk](mailto:SDEnquiries@justice.gsi.gov.uk)**



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