



Public Sector Equality Duty (Equality Duty) Guidance for Suppliers to DfE

Introduction

The Department for Education is responsible for children's services and education, including early years, schools, higher and further education policy, apprenticeships, and wider skills in England. We support the government's purpose of making Britain a country that works for everyone, through promoting a fair society and creating a workforce which reflects the diversity of our service users.

There is an expectation that all suppliers to the DfE endorse and demonstrate a commitment to [equality and diversity](#).

The Equality Duty

The Department is subject to The Public Sector Equality Duty (Equality Duty) which harmonises the previous race, disability and gender equality duties and extends protection to the new protected characteristics listed in the Equalities Act 2010.

The Equality Duty covers age, disability, sex, gender reassignment, pregnancy, maternity, race, religion or belief and sexual orientation. The Equality and Human Rights has published comprehensive guidance on the [Equality Duty](#).

In summary, those subject to the equality duty must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the equality duty may involve treating some people more favourably than others.

The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership in the workplace.

What does this mean for Suppliers?

The Department considers that the Equality Duty is relevant where services are contracted to be either a) delivered on DfE premises, b) carrying out a public function and c) employee or public/school facing.

Where organisations are delivering services under and of those categories, they will be under the same Equality Duty as the Department. That means:

- Relevant contracts are delivered in a way that is non-discriminatory and advances equality of opportunity for staff, members of different communities, other statutory bodies, partners, and voluntary organisations.
- Goods, works, and services provided by suppliers under relevant contracts cater for all potential users. That where necessary reasonable adjustments are made to ensure access to disabled staff and members of different communities.
- There is no difference in the satisfaction rate of users or staff from different communities.

The Equality Duty only applies to those relevant contracts and not to the organisation itself (unless the organisation is already subject to the Equality Duty in its own right).

Bidding for contracts

For any contracts where the Equality Duty applies you may be asked the following questions as part of the tender exercise.

- Do you have a policy in place to comply with your statutory obligations under the Equality Act 2010? You may be asked to provide this or a copy of your action plan or milestone documents. (If you do not have such policies in place, please advise how you meet your statutory obligations)
- Does your organisation operate appropriate arrangements (including training and guidance) to ensure that equality and diversity is embedded within your organisation?

If I am awarded the contract, what might this mean?

For contracts which are subject to the Equalities Duty the Department for Education will, include contract conditions which are aimed to ensure that suppliers comply with the duty. The duties imposed will be monitored a part of scheduled contract management arrangements.