

## **Item: 9**

### **Policy and Resources Committee: 1 March 2022.**

#### **Sustainable Procurement Policy.**

#### **Report by Corporate Director for Neighbourhood Services and Infrastructure.**

### **1. Purpose of Report**

To consider amendments to the draft Sustainable Procurement Policy following public consultation.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That, on 22 June 2021, the Policy and Resources Committee recommended:

- That, subject to the undernoted being added to section 6, the draft updated Sustainable Procurement Policy be approved for consultation:
  - We will seek opportunities to share this approach with other statutory organisations and the third sector in Orkney to ensure best value and promote our circular economy.
- That the Executive Director of Development and Infrastructure should submit a report, to the meeting of the Committee to be held on 21 September 2021, detailing the outcome of the consultation exercise, referred to above, together with a final version of the Sustainable Procurement Policy.
- That the Sustainable Procurement Impact Assessment, attached as Appendix 6 to the Minute, be approved for immediate implementation.

#### **2.2.**

That public consultation was undertaken in respect of the draft Sustainable Procurement Policy between 29 July and 19 August 2021.

#### **2.3.**

The consultation report, attached as Appendix 1 of this report, which details all the points raised by respondents.

#### **2.4.**

That the draft Sustainable Procurement Policy has been updated to reflect the consultation responses where appropriate.

**It is recommended:**

## **2.5.**

That the Sustainable Procurement Policy, attached as Appendix 2 to this report, be approved.

## **3. Introduction**

### **3.1.**

At its meeting held on 22 June 2021, the Policy and Resources Committee noted:

- That the Sustainable Procurement Policy, approved in March 2018, had been reviewed and updated to incorporate changes in legislation, Scottish Procurement Policy Notes and recommendations arising from the internal audit on the procurement and importation of stone to Cursiter Quarry, reported to the Monitoring and Audit Committee on 11 March 2021.
- The draft Sustainable Procurement Policy, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, which would be subject to public consultation.

### **3.2.**

The Committee recommended:

- That, subject to the undernoted being added to section 6, the draft updated Sustainable Procurement Policy referred to at paragraph 8.2 above, be approved for consultation:
  - We will seek opportunities to share this approach with other statutory organisations and the third sector in Orkney to ensure best value and promote our circular economy.
- That the Executive Director of Development and Infrastructure should submit a report, to the meeting of the Committee to be held on 21 September 2021, detailing the outcome of the consultation exercise, referred to above, together with a final version of the Sustainable Procurement Policy.
- That the Sustainable Procurement Impact Assessment, attached as Appendix 6 to the Minute, be approved for immediate implementation.

## **4. Consultation Responses**

### **4.1.**

A public consultation process commenced on 29 July 2021 with the documentation available via the Council website and an online questionnaire. The consultation ended on 19 August 2021.

## **4.2.**

A total of five responses were submitted via the online questionnaire and one further response submitted directly to the Chief Executive which was responded to in full by a separate correspondence.

## **4.3.**

A total of three individuals submitted separate responses and three were from the following organisations:

- Orkney Fair Trade Group.
- Aspire Orkney.
- Orkney Renewable Energy Forum.

## **4.4.**

All named consultees have been contacted to inform them individually of the outcome of their participation in the consultation.

## **4.5.**

The full list of the consultation comments received from six consultees, including proposals and subsequent amendments to the Sustainable Procurement Policy, is attached as Appendix 1 to this report.

## **4.6.**

Attached as Appendix 2 to this report is the revised Sustainable Procurement Policy, taking account of the consultation responses. It is recommended that the revised policy be approved for publication.

## **5. Equalities Impact**

An Equality Impact Assessment has been undertaken, and is attached as Appendix 3 to this report.

## **6. Corporate Governance**

Although this report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan, procurement cuts across all Council services and forms an integral part of the Council's ability to achieve its declared strategic priorities.

## **7. Financial Implications**

The Sustainable Procurement Policy contains several laudable aims and objectives and considers the social, economic, and environmental consequences of what is being procured but that could come at an additional cost to the Council. It is not possible to quantify what the cost of adherence to the policy will be, but it must be

recognised that if contract awards are made in line with the policy there may be an additional cost to the Council where lowest price is not the award criteria.

## **8. Legal Aspects**

### **8.1.**

Section 1 of the Local Government in Scotland Act 2003 obliges the Council to make arrangements that secure best value.

### **8.2.**

The Council is required to comply with the sustainable procurement duty under section 9 of the Procurement Reform (Scotland) Act 2014. The sustainable procurement duty is the duty of a contracting authority:

“(a) before carrying out a regulated procurement, to consider how in conducting the procurement process it can:

- (i) improve the economic, social and environmental wellbeing of the authority’s area,
- (ii) facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process, and
- (iii) promote innovation, and

in carrying out the procurement, to act with a view to securing such improvements identified as a result of paragraph (a)(i)”.

### **8.3.**

Approving the revised Sustainable Procurement Policy will assist the Council in discharging the best value and sustainable procurement duties detailed above.

## **9. Contact Officers**

Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure, Email [hayley.green@orkney.gov.uk](mailto:hayley.green@orkney.gov.uk).

Kenny MacPherson, Interim Head of Property, IT and Facilities, Email [kenny.macpherson@orkney.gov.uk](mailto:kenny.macpherson@orkney.gov.uk).

Rosemary Colsell, Procurement Manager, Email [rosemary.colsell@orkney.gov.uk](mailto:rosemary.colsell@orkney.gov.uk)

## **10. Appendices**

Appendix 1: Full List of Consultation Responses.

Appendix 2: Revised Sustainable Procurement Policy.

Appendix 3: Equality Impact Assessment.

## Full List of Consultation Responses

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
Q1. Strategic Issues – Are there any strategic issues which the policy has not considered.	I would like to bring up the issue of how much diesel large liners are putting into the atmosphere when docking at Hatston pier. If OIC wish to be an environmentally free economy then this must be addressed either by stopping / reducing these super liners from coming in and / or insisting that they do not allow their engines to run while in port.	No.	N / A.	This is a matter that should be addressed to the harbour authority, there is no procurement activity associated with these operations.
	It is not that they have not considered them; it is more that some matters have been too lightly covered.	No.	N / A.	No matter specifically identified so a comment only.
	Prioritising island-based enterprises as part of “fair trade” values e.g. recognising the additional climate transport and other logistical costs borne by local businesses and enterprises and supporting these by specific funding to enable a fair level	No.	8.35; 8.36.	This is more an economic development approach than a matter that procurement can address. The Sustainable Procurement Impact Assessment takes logistics into consideration assess the

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	of competition and so also reduce environmental impact.			environmental impact. In addition, local advertising and the promotion of the use of lotting strategies in our procurement maximises opportunities available to island based enterprises.
Q2. General Approach to Procurement - The revised Sustainable Procurement Policy has been put in place to ensure a consistent, efficient and best practice approach to sustainable procurement across the Council. It is being updated as part of this process. Are there any specific issues which relate to the way in which the Council carries out sustainable procurement which you would like to see covered by this policy?	The reporting of the sustainability assessments should be a matter of open and public record. It should not be a matter only considered annually at the time of the committee reports. At present the only accounting is so far after the event that there is little opportunity for public scrutiny or comment.	Yes.	8.35	Add to the Procurement Annual Report a section on the use of the Sustainable Procurement Impact Assessments. Currently there are no systems in place that can generate this information, on a real time basis. As part of the continuous improvement of our procurement process, consideration to be given for development of a mechanism for real-time reporting of key climate change indicators in consultation with the Climate Change Officer.

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	It is not clear that present scrutiny of sustainability decisions is robust.	No.	8.35; 8.29.	Sustainable procurement decisions are already embedded in the procedures undertaken by Officers with Delegated Procurement Authority. The use of the SPIA will increase scrutiny of sustainability decisions. All Officers with Delegated Authority to carry out Procurement (DPA) have undertaken training in the use of the new SPIA. Sustainable Procurement is considered at the planning stage of all procurement activity over the value of £10,000 as part of the new Procurement Plan procedure. This initial assessment is signed off at Executive Director level.
	In accordance with the declaration of a climate emergency; any procurement should be actively decarbonised and acts which result in carbon commitments should be	Yes.	Section 2, paragraph 6.	Orkney Islands Council does not have a zero emissions policy in place. Sustainable Procurement Policy to be reviewed annually to ensure

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	signed off at the highest level and immediately publicly reported on.			it is in line with any current Council commitments on Climate Change and are in line with the Scottish Government Policy, COP 26 and beyond.
	As above-prioritise and develop local resources and provision.	Yes.		As above.
	The policy refers to all goods and services (Page 4) and this is commended. OIC should not simply apply this policy to procurements in excess of £4M and the commitment to apply it to all procurement is welcomed. It should be noted, however, that the reference in item A (Page 5) to 'a regulated procurement' should be clarified. It is not clear if this is an attempt to water down the clear 'all goods, services and works' statement in the preceding page. If it is such an attempt then the latter page should be altered into line with Page 4's clear statement.	Yes.	4A,	The word 'regulated' procurement removed as all purchasing covered by the Contract Standing Orders must consider Sustainable Procurement as part of the planning process for the procurement which received scrutiny at a senior level.



Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	The 'Benefits of Sustainable Procurement' seem to be well identified and articulated.			
	The 'General approach to Sustainable Procurement' (Page 7) makes a series of clear statements and determined statements about 'ensuring' various outcomes. It will also be necessary to ensure that the reporting of progress is sufficiently robust to demonstrate these high (and appropriate) outcomes have been achieved. The 'Monitoring and Reporting' reference and the 'Progress against the stated objectives will be monitored and reported on an annual basis as part of the Procurement Service Improvement Action Plan 2019 to 2021 via the Council's Performance Management System.' statement on Page 8 are worthy, but it is not clear they will be sufficient to prevent slow uptake.	Yes.	8.35; 8.29.	Sustainable procurement decisions are already embedded in the procedures undertaken by Officers with Delegated Procurement Authority. The use of the SPIA will increase scrutiny of sustainability decisions. All Officers with Delegated Authority to carry out Procurement (DPA) have undertaken training in the use of the new SPIA. Sustainable Procurement is considered at the planning stage of all procurement activity over the value of £10,000 as part of the new Procurement Plan procedure. This initial assessment is signed off at Executive Director level.
Q3. Scope and Implementation of the	The commitments are fine; the reporting on compliance may well	Yes.	8.35; 8.29.	As above, Sustainable Procurement is considered

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
Policy - Are you happy with these commitments? Do you think we need any more?	be a challenge and it is unclear how the reporting on the effectiveness of 'ensuring' the various actions was achieved (and if not why not).			at the initial planning stage, at the procurement strategy stage and at the contract award recommendation stage. The increasing use of sustainable procurement clauses is recorded on an annual basis and incorporated into the Procurement Annual Report data.
	The theory requires to be actively translated into evidenced practice.	Yes.	8.1.	
	We are asking for reference to Child Labour in Outcome 1 and it would be helpful to include it here also.	No.	8.5.	Not included at Outcome 3 as already in Outcome 1. Wording expanded to include explicit reference to not using of child labour.
	Delivering true and full value. How is value truly measured – is it bid cost, actual end of job cost, full life cycle cost, does it include secondary monetary benefits such as circulation of cash etc. What about non-monetary benefits etc.	N / A.	N / A.	Comments only. All of this section has been addressed in a separate response to the consultee. Noted that the 'YES and NO' comments in the 2nd column are responses to the direct questions.

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	<p>Around 10% of locally contracted, people based service costs, are passed directly through to the local authority – should that be verified? Where is that recognised? What value is passed onto the local economy? What value flows through to local charities, clubs, activities? None of these benefits arise from outsourcing beyond the islands.</p> <p>Island suitability of procurement.</p> <p>The islands have fought strenuously to get recognition for the special nature of islands and island economic and have sought special status within both Holyrood and Westminster governance systems. Both of these processes are providing only limited benefits at present and have a long way to develop before they meet their objectives. However, island-based procurement is an area where the local communities themselves need to consider the appropriateness of their actions and approaches. In both the public and private sectors</p>			

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	<p>from local and off-island organisations procurement processes often fail to meet the basic needs of the islands and the kind of objectives set out in the Islands Act.</p> <p>Population decline -Does placing contracts outside the islands help avoid population decline or lead to a balanced population profile? NO. Does local contracting help - YES.</p> <p>Economic development - Does placing contracts outside the islands help economic development? NO. Does local contracting help - YES.</p> <p>Improving transport services - Does placing contracts outside the islands help improve transport service? YES for the extra contract related people movement, NO in terms of less people and less longer term development.</p> <p>Improve housing - Does placing contracts outside the islands help – NO. Does local contracting help - YES.</p>			

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	<p>Fuel poverty - Does placing contracts outside the islands help – NO. Does local contracting help – YES, more jobs, less poverty.</p> <p>Digital connectivity - Does placing contracts outside the islands help – NO. Does local contracting help – YES, more jobs, more housing, people / business invest in connections.</p> <p>Health and wellbeing - Does placing contracts outside the islands help – NO. Does local contracting help – YES, more people to contribute to wellbeing / health needs, greater draw on resources but benefits of meeting higher capacity levels.</p> <p>Ecological integrity - Usually better understanding and knowledge locally.</p> <p>Climate change adaptation - Does placing contracts outside the islands help – NO. Does local contracting help – YES.</p> <p>Community diversity and places - Does placing contracts outside the</p>			

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	<p>islands help – NO. Does local contracting help – YES through local employment.</p> <p>Arts and language - Does placing contracts outside the islands help – NO. Does local contracting help – YES, through secondary activities of people as well as business sponsorship of the arts.</p> <p>Education - Does placing contracts outside the islands help – NO. Does local contracting help – YES, more people to contribute to education needs, more people lead to more vibrant schools, businesses get involved in education support.</p> <p>Supporting the plan - Does placing contracts outside the islands help – NO. Does local contracting help – YES.</p>			
Q4. Outcome 1: Would you propose any additional or alternative outcome(s)?	It is not clear what weighting will be applied to LOCAL social and economic benefits. Will localism be rewarded in the evaluations? Are all outcomes equally weighted?	No.	N / A.	Currently it is not lawful to design award criteria directed at localism however it is lawful to include community benefits and fair work practices in award

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
				criteria. These are used regularly where it is appropriate to the subject matter of the contract.
	Achieve outcomes by recognisable input e.g. fund polytunnels.	Yes.	N / A.	Consideration is being given to a community benefits scheme whereby local organisations / community groups can create a wish list for tangible items / services which will benefit the local community. This type of scheme is available in other parts of Scotland and may well work in Orkney too. Watch this space ...
	Please add prevention of child labour at 8.5: "We will not knowingly purchase goods and services from suppliers that trade in slavery, child labour, prostitution and illegal drugs.	Yes.	8.5.	Suggested wording included.
	Add at 8.6 "We recognise that Fairtrade and other accreditation schemes also secure safeguards in relation to ethical working practices and will encourage suppliers to	Yes.	8.6.	Suggested wording included. This is a reasonable aspiration and a natural progression beyond the existing compliance

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	indicate what safeguards they have in place to secure these". It would be good to see the Council moving beyond just asking suppliers to confirm that they are not in breach of ILO conventions / Modern Slavery Act, to asking suppliers how they secure this.			statement that we are aware is just a starting point.
Q5. Outcome 2: Would you propose an additional or alternative outcome(s)?	<p>I would strongly suggest that the embedded or resultant climate emissions for purchases should be considered for all services and goods. So buying goods that gave rise to high emissions should be discouraged / banned, and this should not just consider the fuels used (as at present).</p> <p>8.17 is limp and inadequate. 'Low emissions' is no longer good enough. All plant and vehicles should be zero emission or better. Where not technically feasible then the carbon impacts of these new purchases should be assessed in advance and a register kept of enduring carbon emission commitments. Such a register</p>	<p>Yes.</p> <p>8.17 refers to packaging, 8.13 to emissions.</p>	<p>Section 2, Paragraph 6, 8.21.</p> <p>8.13.</p>	<p>Wording added to ensure the Sustainable Procurement Policy is 'COP ready' and will be reviewed on an annual basis as required to reflect any changes in Scottish Government and Council Policy as and when required.</p>



Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	should be monitored and reported upon alongside other council budgeting activities.			
	Provision of more extensive and direct recycling facilities, e.g. skip provision and cardboard recycling on the islands, to actually enable the process required to achieve the outcome.	No.	N / A.	Part of wider Council policy and addressed through other strategic policy instruments.
	It would be good to see the Council recognising that independently verified accreditation schemes e.g. Fairtrade, Rainforest Alliance, Marine Stewardship Council, RSPO (sustainable palm oil) also safeguard against negative environmental impacts, e.g. 8.20 "We will encourage suppliers to make use of independently verified accreditation schemes that address negative environmental impacts". As before, it would be good to see the Council asking suppliers to indicate what safeguards they propose against negative impacts.	Yes.	8.20.	Suggested wording added.



Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	<p>If this document represents a further improvement in process of officers then that is welcome, however ASPIRE would be remiss not to draw attention to local concerns that this matter is believed only to receive lip service in some departments. There are numerous examples of somewhat heavy-handed procurement processes which disadvantage local suppliers. ASPIRE would welcome the opportunity to more fully explore the issues it believes exist.</p> <p>ASPIRE would like to see that there is more extensive reporting on the outcome in 8.31.</p> <p>'We will subject all major requirements for goods, services and works to a sustainability test</p>	<p>N / A.</p> <p>Yes.</p>	<p>N / A.</p> <p>8.35.</p>	<p>Authority have just completed a training course on contract management as part of the continuous improvement of our procurement processes.</p> <p>Comment only – to be explored further with consultee.</p> <p>Introduction of the SPIA and the initial procurement plan has brought an increased</p>

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	<p>during the development of procurement plans. This will question whether requirements can be reduced or avoided altogether by delivering outcomes in other ways; that social, economic and environmental impacts and benefits have been identified and that whole life-cycle costs have been considered.'</p> <p>Such tests and evaluations should be deemed to be public and published freely following award. A commitment to this form of Open Government would be welcomed in this Policy.</p>			<p>emphasis on this point. Note that use of the SPIA will be reported in the Annual Procurement Report.</p> <p>Consideration will be given to how this can be carried out.</p>
Q6. Outcome 3: Would you propose an additional or alternative outcome(s)?	8.21 is limp. Sustainability criteria should be mandatory in all tendering for the council. You have declared a Climate Emergency; you should be monitoring all your activities to ensure you are not making it any worse.	No.	8, 8.13, 8.14, 8.15.	Already covered.
	As previously-do not simply "monitor"-but invest on a practical level to enable.	Comment only.	N / A.	

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	Again, at 8.22, there is an opportunity here to ask suppliers what safeguards they have in place.	No.	N / A.	
	<p>Nurturing and protecting the Orkney Brand.</p> <p>Local Orkney experience can be a platform for future service growth – who gains that experience significantly directs business opportunities over the next decade. This influences future local business, as well as wider regional, national or in some cases international business. It also means that people and organisations who may have very tenuous links and understanding of Orkney are able to sell part of the Orkney Brand in their future work. Winning contracts is an endorsement of their work, values, approach. Do companies like ITP, ERM, PARTAC, Tullochs, Morrison Group etc promote Orkney, its culture, its community, its supply chain on the back of their work in the County? Even more worrying is</p>	No.	N / A.	Accreditation approach already covered in 8.6.
		No.	N / A.	<p>Comment only – All businesses that successfully bid for and won contracts from the Council have had to come through a rigorous procurement process where they have absolutely demonstrated that they are providing best value to the Council and the community. The Schools Investment Programme completed by Morrison Construction delivered a new Kirkwall Grammar School and Arts Theatre, new School Hostel, New Stromness Primary and new Swimming Pool and squash facilities at the Pickaquoy Centre and three all-weather pitches. This was</p>

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	<p>the way that they undertake their work in communities aligned with Orcadian values and the Orkney Way? Perhaps their use of their Orkney experience helps to dilute and undermine the very essence that makes Orkney still so special.</p> <p>It is not good enough to say it's difficult or the rules don't allow it. As a community we have the flexibility and tools available if we choose to use them. And if there is a fight to be had to assert this flexibility – then lets fight for it – it's worth it for everybody's sake.</p>			<p>a massive improvement in our community facilities that achieved BREEAM Excellence accreditation, and the Council are quite rightly very proud of what has been delivered for the community through these exercises to make Orkney the special place that it is. Morrison Construction also constructed the original Pickaquooy Centre, another of our outstanding community facilities.</p>
<p>Q7. Outcome 4: Would you propose an additional or alternative outcome(s)?</p>	<p>Develop an action plan as to how identified improvements will be delivered.</p>	<p>Yes.</p>	<p>Section 11.</p>	<p>Progress on delivering the actions will continue to be reported on via the Procurement Annual Report. Wording tightened up to emphasis this.</p>
<p>Q8. Are there any other comments you would like to make about the draft updated policy?</p>	<p>The policy is welcome and requires support. The challenge of creating the behavioural change in some staff may well be considerable and so the public reporting of progress is</p>	<p>N / A.</p>	<p>N / A.</p>	<p>Comment only.</p>

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	essential to help drive change though personal accountability.			
	There should be a more frequent publication of the list of planned procurements.	Already in place.	N / A.	The Councils' two year forward plan is reported annually as an Appendix to our Procurement Annual Report. In addition, more frequent publication of the list of planned procurements is under consideration.
	Use of Construction Frameworks.	N / A.	N / A.	Because of our focus on supporting local businesses the Council has actively not sought to participate in construction frameworks as there is a known active market in Orkney. This is also our approach when considering participation in other types of supply or services. However, it is not possible nor reasonable for us to say we would never use the services of, for example, Hub North. Not least because if we are looking at very ambitious

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
				building programmes, we may find that local building contractors are unable to meet the timescales that we require.
	Making the decision looking at quality versus cost.	Already in place.	N / A.	<p>Officers who have Delegated Procurement Authority are supported by our Procurement team in developing specifications which seek to balance quality and cost.</p> <p>We work on the basis of the Most Economically Advantageous Tender (MEAT), which allows us to award a contract based on aspects of the tender submission other than just price. This will, where appropriate, include elements of Community Wealth Building and also Community Benefit, and is fully in line with the Scottish Government Procurement Journey advice.</p>



Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	The procurement of tugs.	No.	N / A.	The intent of the policy is that the procurement that we carry out will have a minimal effect or contribution to climate change, it is not a policy that we will stop procuring anything that is not zero emission at this time. The specification of the new tugs, which was in accordance with policy, was very much higher than the tugs they replaced and they have significantly lower emissions as a result of using the most up to date proven technology available at that time for heavy commercial deployment.
	Logging lessons learnt.	Already in place.	N / A.	This already happens with a central log established and updated on a regular basis to ensure the learning is shared amongst all officers in the Council with Delegated Authority to carry out procurement.

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
	Collective community feedback.	N / A.	N / A.	The suggestion of collective community feedback is an interesting idea. Post project reviews are already carried out for capital projects, we will investigate this further. We will shortly be starting the review of our main Procurement Strategy and will consider whether this would fit well in that.
	Compliance with the Islands Act.	N / A.	N / A.	OIC already spends a very good proportion of our annual procurement spend with business based in Orkney. That's not to say that we are complacent about this, and as mentioned earlier, we are very mindful that more can be done and are always looking for ways to improve our local investment and spend.
	Collaborative Procurement and Community Wealth Building.	N / A.	N / A.	We are planning to bring a report forward to a future meeting of the Community

Section.	Response.	Incorporated Yes / No.	Section where incorporated.	Comments.
				<p>Planning Partnership on options around collaborative procurement and community wealth building. So far, this work has been delayed due to the very heavy workload on our small Procurement Team, but we are currently recruiting for an additional staff member and once they are in post, we intend to move this swiftly up our agenda.</p>



# **Sustainable Procurement Policy**

**February 2022**

## Contents.

1. Introduction .....	3
2. Background.....	4
3. What is Sustainable Procurement?.....	4
4. Sustainable Procurement Duty .....	5
5. Benefits of Sustainable Procurement.....	6
6. General approach to Sustainable Procurement.....	7
7. Scope and Implementation of the Policy.....	7
8. Outcomes from Sustainable Procurement.....	8
9. Other relevant policies and procedures .....	11
10. Monitoring and Reporting.....	12
11. Review .....	12

## Document Control Sheet.

Review / approval history.

Date.	Name.	Position.	Version Approved.
March 2018.	General Meeting of the Council.	n/a.	Version 1.0.
TBC.	General Meeting of the Council	n/a.	Version 2.0.
2022.	General Meeting of the Council	n/a.	Version 3.0

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
May 2021.	Rosemary Colsell.	2.0.	Final.	Reviewed and updated.
December 2021/January 2022	Rosemary Colsell	2.1	Revised Version	Public consultation responses incorporated.

# 1. Introduction

This policy sets out the general principles that the Council will follow across all of its procurement and commissioning activities to ensure that it is undertaken in a sustainable manner.

It sets out how OIC will plan and manage its procurement activities to meet the Council's corporate aims and objectives and comply with regulatory and legislative requirements.

This policy supports the commitment to sustainable procurement which is set out in the Council's [Corporate Procurement Strategy 2019 to 2021](#).

It is intended for all of those who are involved in, or affected by, the Council's procurement activities throughout our community and beyond.

Orkney Islands Council spends tens of millions of pounds each year on a diverse range of goods, services and works from third parties. It is important therefore that this spending power is used to support key Council objectives. This sustainable procurement policy has been developed to help the Council to meet its legal duties and to deliver its key strategic objectives.

Sustainable procurement supports the Council's values, as outlined in [Orkney Islands Council's Delivery Plan 2018 to 2023](#).

Procurement cuts across all Council services and forms an integral part of the Council's ability to achieve its declared strategic priorities as detailed below:

- Connected Communities.
- Caring Communities.
- Thriving Communities.
- Enterprising Communities.
- Quality of Life.

Whilst procurement is a key enabler across all the Council's priorities; Caring, Thriving and Enterprising Communities are those where a direct impact can be made.

The Council's values guide the way in which it procures supplies, services and works:

- Resilience.
- Enterprise.
- Equality.
- Fairness.
- Innovation.
- Leadership.
- Sustainability.

This Policy outlines how sustainable procurement supports and contributes to the implementation of the Council's Delivery Plan 2018 to 2021.

## 2. Background

Orkney Islands Council required an up-to-date Sustainable Procurement Policy to reflect recent significant changes in public procurement legislation.

The Policy reflects the requirements of the Public Contracts (Scotland) Regulations 2015, the Procurement Reform (Scotland) Act 2014 and the Procurement (Scotland) Regulations 2016, the Concession Contracts (Scotland) Regulations 2016, the Utilities Contracts (Scotland) Regulations 2016 and the Public Contracts (Scotland) Amendment Regulations 2016. These and other major pieces of legislation including the Equality Act 2010, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, the Fairer Scotland Duty, Equality Act (Part 1 of the Equality Act 2010) – commenced 2018), have informed the Council's Contract Standing Orders, details of which are contained in the Procurement Strategy.

This policy should be read in conjunction with the Council's Corporate Procurement Strategy and the Council's Contract Standing Orders. It applies to the procurement of all goods, services and works. It aims to ensure that Council procurement activities contribute to the social, economic and environmental well-being of our remote and fragile islands communities, both now and in the future.

The Sustainable Procurement Policy also reflects changes brought about by the requirements of the Community Empowerment Act Scotland 2015, a fundamental review of Community Planning Partnerships, and the development of a new Local Outcomes Improvement Plan (LOIP), which has replaced the Single Outcome Agreement and the integration of Health and Social Care. The Children and Young People (Scotland) Act 2014 is also a diverse piece of legislation affecting many services.

The Climate Change (Emissions Reduction Targets) (Scotland) Order 2015, Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Amendment Order 2020 will increasingly be reflected in the Council's Policy and subsequent sustainable procurement considerations.

This Policy outlines how the Council takes a responsible and sustainable approach to procurement. The Policy will be reviewed on an annual basis to ensure it is line with any emerging Council commitments on Climate Change and remains in accord with emerging Scottish Government Policy, reflected in the Paris Agreement on Climate Change, COP 26 and beyond as appropriate

## 3. What is Sustainable Procurement?

Definition:

'Sustainable Procurement is a process whereby organisations meet their needs for goods, services and works in a way that achieves value for money on a whole life basis and generates benefits not only to the organisation, but also to society, the economy and the environment'.

Sustainable procurement considers the social, economic and environmental consequences of what is procured through all stages of its life-cycle. This includes considering design, resource extraction and sourcing, manufacturing and production, transportation, service delivery, operation and maintenance, reuse, recycling and disposal. It is also about questioning whether the purchase requires to be made at all.

Sustainable procurement also considers the capacity of suppliers to address these consequences throughout the entire supply chain.

## 4. Sustainable Procurement Duty

The Council is required to comply with the requirements of the Sustainable Procurement Duty under section 9 of Procurement Reform (Scotland) Act 2014, as follows:

The Sustainable procurement duty is the duty of a contracting authority:

A. Before carrying out procurement, to consider how in conducting the procurement process it can:

1. Improve the economic, social, and environmental wellbeing of the authority's area;
2. Facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process, and
3. Promote innovation, and

B. In carrying out the procurement, to act with a view to securing such improvements identified as a result of paragraph A1.

The Council is also obliged to have regard to the Procurement Reform (Scotland) Act 2014 statutory guidance as detailed below:

The [Sustainable Procurement Duty](#); and [Community Benefit Requirements in Procurement](#).

Selection of Tenderers and [Award of Contracts: Addressing Fair Work Practices](#), including the Living Wage, in Procurement.

[Procurement of Health and Social Care Services](#).

Scottish Procurement Policy Note (SPPN) [07/2016 - Update to Guidance on the Procurement of Care and Support Services \(Best Practice\)](#).

[Taking Account of Climate and Circular Economy Considerations in Public Procurement \(SPPN\) 01/2021](#).

Scottish Procurement Policy Note (SPPN) [03/2021 Implementation of Fair Work First in Scottish Public Procurement](#).

All Contracts that are awarded by the Council, regardless of value, are subject to an obligation to seek best value and to demonstrate transparency, equal treatment, non-discrimination and proportionality.

The Scottish Government has designed a suite of Sustainable Procurement Tools to help public sector organisations identify and address how they can optimise the economic, social and environmental outcomes of their procurement activity available at <https://sustainableprocurementtools.scot/>. These tools will be used where appropriate and where they add value to the procurement exercises being undertaken.

The detailed risks and opportunities in the sustainable procurement tools align with Scotland's [National Performance Framework](#) (NPF) and Scotland's [National Outcomes](#)



[and Indicators](#) achieving a line of sight between procurement activity and local and national strategic priorities:

- Climate Change.
- Materials.
- Waste.
- Hazardous materials.
- Biosecurity.
- Biodiversity.
- Heritage.
- Water.
- Employment, skills and training.
- Communities.
- Equality.
- Fair Work.
- Fairly and Ethically Traded.
- Health & Wellbeing.
- Security & Crime.
- Climate Change.
- Materials.
- Waste.
- Hazardous materials.
- Biosecurity.
- Biodiversity.
- Heritage.
- Water.
- Employment, skills and training.
- Communities.
- Equality.
- Fair Work.
- Fairly and Ethically Traded.
- Health & Wellbeing.
- Security & Crime.

## **5. Benefits of Sustainable Procurement**

The Council recognises and wishes to maximise the benefits achievable through sustainable procurement. Sustainable procurement can deliver additional benefits for the Council while contributing to the social, economic and environmental well-being of people and places. For example sustainable procurement will enable the Council to:

- Achieve value for money by avoiding unnecessary purchasing, by considering and then lowering the whole life costs of goods, services and works and through improved resource efficiency.

- Report on progress towards meeting its legal duties and other obligations in relation to climate change and sustainable development.
- Stimulate the market and encourage innovation for sustainable products and services.
- Support the local supply community by engaging with Small and Medium Enterprises and Third Sector organisations so they can compete for Council contracts.
- Help build a sustainable supply chain for the future and improve supplier relationships.

## **6. General approach to Sustainable Procurement**

The Council's approach to sustainable procurement is as follows:

- We will ensure that our procurement of goods, services and works contributes to achieving our vision of a truly sustainable supply chain.
- We will ensure that our procurement minimises its contribution to climate change and supports goods, services and works that are well-adapted to the consequences of a changing climate.
- We will deliver value for money by realistically assessing, where appropriate, the whole life-cycle costs of our procurement and not simply considering the initial purchase price.
- We will ensure that what we intend to purchase is necessary and that, where appropriate, there is a business case for doing so. We will specify our requirements so as to meet the needs of users and to avoid purchasing more than is needed.
- We will carry out sustainable procurement activities whilst complying within the public procurement legal framework which is intended to promote fair and open competition.
- We will ensure that when developing our requirements for goods, services and works we assess the possible social, economic and environmental impacts of our procurement and actively seek to contribute to the social, economic and environmental well-being of our remote and fragile island communities. Where appropriate to the subject matter of the contract, this to be undertaken as part of pre-market engagement and consultation.
- We will not knowingly procure goods, services and works that impact negatively on places, people and other species both locally and elsewhere.
- Where appropriate, we will consult with the people whose needs we aim to meet through our procurement to ensure that we procure goods, services and works that meet their needs.
- We will not intentionally discriminate against specific groups of people when undertaking our procurement activities and will promote equality in line with legislative requirements.
- We will support the aims of the Modern Slavery Act 2015 and ensure that our suppliers provide us with confirmation of their compliance with the Act.
- Where it is appropriate and proportionate to do so we will procure goods and services in line with the best practice guidance set out in the Scottish Government Procurement Journey and any other relevant best practice guidance.
- We will consider the effects of island proofing where appropriate and in light of anticipated guidance issued by the Scottish Government.

## **7. Scope and Implementation of the Policy**

Practical guidance on how sustainable procurement can be embedded into the Council's procurement processes is available on the Scottish Government's website. This is contained within the Scottish Government's 'Procurement Journey' best practice procurement toolkit.

In line with the Council's Contract Standing Orders we will use the Sustainable Procurement suite of tools contained in the Procurement Journey to support implementation and to ensure that our procurement approach and processes are relevant and proportionate to the Orkney Islands Council context.

The initial focus will be on priority commodities, services and suppliers i.e. those which are identified by the Council as being associated with the highest social, economic and environmental risks and opportunities.

Delivery of the commitments made in this policy will be supported through the implementation of the Council's Procurement Strategy 2019 to 2021 and the Council's Procurement Annual Report. Progress against the stated objectives will be monitored and reported on an annual basis as part of the Procurement Service Improvement Action Plan 2019 to 2021 via the Council's Performance Management System.

## **8. Outcomes from Sustainable Procurement**

**Outcome 1: the social and economic benefits from our sustainable procurement are maximised.**

8.1. We will, where appropriate, build into the procurement process options for suppliers to offer training, employment, work experience placements, apprenticeships and volunteering opportunities for members of our local communities including people experiencing long-term unemployment including adults with learning disabilities registered on employment support schemes, and young people not in employment, education or training.

8.2. We will require suppliers to communicate to our local communities, employment opportunities arising from our procurement activities.

8.3. In accordance with the requirements of the Sustainable Procurement Duty of the Procurement Reform (Scotland) Act 2014, we will consider how, in conducting the procurement process, we can facilitate the involvement of small and medium enterprises and third sector bodies. We will, wherever possible, ensure that our procurement processes as far as possible are proportionate and relevant to the economic benefits and scale of the contract.

8.4. We will, where possible, reserve contracts for Supported Businesses under Regulation 21 of the Public Contracts (Scotland) Regulations 2015 where their prices and capacity to deliver the contract is comparable to the rest of the market.

8.5. We will not knowingly purchase goods and services from suppliers that trade in slavery, child labour, prostitution, and illegal drugs. We will not knowingly work with suppliers who breach International Labour Organisation conventions in accordance with the Modern Slavery Act 2015 we will ensure our suppliers, where relevant to the subject matter of the contract, complete a compliance statement and provide evidence of compliance with their obligations under relevant international legislation where requested to do so.

8.6. We will, where practicable and where it is sustainable, purchase fair trade options certified by appropriate independently verified accreditation schemes as a means of helping excluded and disadvantaged producers, including independent small farmers, to access international markets and receive a fair price for their products. Where certification by accreditation schemes is an optional requirement we will make clear in the tender documentation how this will be evaluated. We recognise that Fairtrade and other

accreditation schemes also secure safeguards in relation to ethical working practices and will encourage suppliers to indicate what safeguards they have in place to secure these where appropriate to the subject matter of the contract.

8.7. In accordance with the requirements of the Procurement Reform (Scotland) Act 2014 in relation to the provision of food, we will take measures to improve the health, wellbeing and education of the local community. We will, where practicable and where it is sustainable, specify fresh, seasonal and nutritious food.

8.8. We will not knowingly purchase genetically modified food or food with genetically modified ingredients.

8.9. We will specify Protected Geographical Indication and Protected Designation of Origin standards where they are justified by menu requirements.

8.10. In line with the requirements of the Procurement Reform (Scotland) Act 2014 in relation to the provision of food, we will promote the highest standards of animal welfare through our procurement. We will consider animal welfare throughout the supply chain and appropriate independently verifiable accreditation schemes, when making procurement decisions, and wherever possible, will not purchase goods which have been developed using animal testing.

8.11. In accordance with Regulation 47 of the Public Contract (Scotland) Regulations 2015, we will consider dividing contracts into small lots to encourage the active participation of our local businesses in the procurement process.

8.12. We will build into our procurement processes opportunities as appropriate for suppliers to propose provision of goods, services or works guaranteed by independent accreditation schemes. We recognise that there are a range of independently accredited quality schemes where the additional costs deliver significant environmental, social, quality or animal welfare benefits.

**Outcome 2: the negative environmental impacts are minimised and the environmental benefits maximised from our procurement.**

8.13. Where possible we will procure goods, services and works that minimise release of Greenhouse gas and particulate emissions associated with use of fossil fuel energy sources, use of non-renewable materials, waste creation and pollution to air, water and land. In doing so, we will analyse all stages of the life-cycle including design, resource extraction and sourcing, manufacturing and production, transportation, service delivery, operation and maintenance, reuse, recycling and disposal.

8.14. We will, where appropriate and where it is sustainable, purchase fewer new goods by re-using, repairing, refurbishing or remanufacturing existing goods, in line with Scotland's 2016 Circular Economy Strategy 'Making Things Last' and where this is relevant to our Island context.

8.15. We will, where appropriate and where it is sustainable, specify goods and materials made with recycled material.

8.16. We will not purchase goods and materials that are made of plastic which cannot be recycled where alternative options are available, and we will seek to minimise the purchase of recyclable plastics where alternative goods and materials can be used.

8.17. We will specify minimum packaging, reusable packaging and packaging take-back.

8.18. We will specify energy efficient goods, services and works in line with current best practice standards and specifications.

8.19. We will ensure that the vehicles we purchase, lease or hire have low emissions of greenhouse gases and air pollutants.

8.20. We will procure timber and timber-based goods from verifiable sustainable sources that evidence clear chains of custody. We will encourage suppliers to make use of independently verified accreditation schemes that address negative environmental impacts.

8.21. We will, in exercising our procurement function, meet the duty to further the conservation of biodiversity arising from the Nature Conservation (Scotland) Act 2004. We will, where appropriate, specify through our procurement processes requirements which protect and enhance green spaces, habitats, species, sustainable farming practices and biodiversity both locally and globally. In particular, we will protect and enhance priority habitats and species in Orkney.

8.22. We will ensure that any emerging Council commitments on Climate Change are incorporated into the Sustainable Procurement Policy by reviewing the policy on an annual basis to reflect the potential for rapid change in this fast moving policy area.

### **Outcome 3: Orkney Islands Council has a more sustainable supply chain.**

8.23. Strengthening local supply chains and promote the use of local goods and services within the parameters of procurement legislation, we will work with suppliers and encourage them, whenever possible, to use more sustainable goods, processes and working practices in their own business operations and encourage them to engage in sustainable procurement activities within their own supply chains.

8.24. We will encourage suppliers, through the inclusion of sustainability criteria in our tendering process, to develop innovative and competitively priced sustainable goods, services and works.

8.25. We will ensure suppliers comply with their commitments to the sustainability criteria within our specifications and their tender submissions by building in proportionate, effective monitoring and management into contract arrangements.

8.26. Outcomes to define success will be developed in liaison with suppliers as part of the contract management process.

8.27. We will consider methods of incentivising investment and promoting a culture of improvement by suppliers in sustainable development on a contract by contract basis where this is practicable and appropriate.

8.28. We will not knowingly purchase goods and services from suppliers that trade in slavery, prostitution, use of child labour and illegal drugs. We will not knowingly work with suppliers who breach International Labour Organisation conventions in accordance with the Modern Slavery Act 2015 we will ensure our suppliers, where relevant to the subject matter of the contract, complete a compliance statement and provide evidence of compliance with their obligations under relevant international legislation, where requested to do so.

#### **Outcome 4: sustainable procurement is embedded within the Council.**

8.29. We will establish clear leadership to drive the embedding and continuous improvement of sustainable procurement within the Council.

8.30. We will communicate this policy and accompanying guidance to all Council staff.

8.31. We will undertake an assessment of third-party expenditure with a value of over £10,000, to identify those contracts associated with the highest risk and greatest opportunity for improvement. This will be based on an analysis of spend, risk, scope for improvement and our influence of the market.

8.32. We will develop and continuously improve the sustainable procurement skills and knowledge of Council staff involved in procurement activities. This will include those responsible for identifying a need to procure goods, services and works, those involved in evaluating tenders and those responsible for contract and supplier management.

8.33. We will subject all major requirements for goods, services and works to a sustainability test during the development of procurement plans. This will question whether requirements can be reduced or avoided altogether by delivering outcomes in other ways; that social, economic and environmental impacts and benefits have been identified and that whole life-cycle costs have been considered.

8.34. Where relevant, we will include sustainability criteria in tender documentation and our tender evaluation process.

8.35. We will measure and report on our progress in embedding and continuously improving sustainable procurement and its contribution to delivering sustainable outcomes annually.

8.36. We will introduce a Sustainable Procurement Impact Assessment (SPiA) for all relevant goods, services and works contracts where there is potential to minimise the use of carbon-based energy and its associated emissions. See Annex One to this policy.

8.37. The SPiA implementation and usage will be reported on an annual basis in the Council Procurement Annual Report.

8.38. We will consider where appropriate the use of lotting strategies to maximise access to contract opportunities by smaller contractors and to optimize the contribution to a circular economy in Orkney.

### **9. Other relevant policies and procedures**

Sustainable procurement also contributes to delivery of a range of Council policies and strategies, some of which have reporting requirements relating to procurement activities. These include:

- The Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.
- The Council's climate change targets and carbon management plan (including the annual Climate Change Reporting requirements).
- The Council's environmental management and waste management procedures.

Sustainable procurement can also make a significant contribution to the development of the 'Circular Economy' by adopting the principles of ['Making Things Last – A Circular Economy Strategy for Scotland'](#). In a circular economy, systems are designed to make better use of valuable products and materials – changing the way they are produced and managed to have less impact on finite natural resources and create greater economic benefit.

## **10. Monitoring and Reporting**

The Council's progress in sustainable procurement will be reported as part of our annual procurement report. The annual procurement report is a requirement of the Procurement Reform (Scotland) Act 2014. We will use this report to demonstrate compliance with other legislation that places specific requirements on the Council with respect to our procurement activities, for example, the Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

## **11. Review**

We will review this Policy on an annual basis to ensure that it remains in line with the Council's Procurement Strategy and the Council's Delivery Plan. The actions from this updated Policy will be incorporated into the next Procurement Strategy which will be reviewed in 2022 and subsequently reported on an annual basis in the Procurement Annual Report.



## Sustainable Procurement Impact Assessment

The purpose of a Sustainable Procurement Impact Assessment (SPiA) is to improve the work of Orkney Islands Council by ensuring that its procurement activities contribute to the social, economic and environmental well-being of our remote and fragile islands communities, both now and in the future.

This assessment records the likely impact of any procurement exercise, by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

<b>1. Intended Procurement exercise</b>	
Description of the intended procurement exercise	
Service / service area responsible.	
Name of person carrying out the assessment and contact details.	
Date of assessment.	
Is the function new or existing?	



<b>2. Initial Screening</b>	
What are the intended outcomes of the procurement exercise?	
State who is, or may be affected by this procurement exercise, and how.	
Have stakeholders been involved in the development of this procurement exercise, and if so how?	
<p>Is there any existing data and / or research relating to sustainable procurement issues in this area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking</p>	
Could the procurement have a differential impact on any of the following sustainable procurement strands?	
<p><b>1. Supply Chain:</b> Will the procurement of goods, services and works contribute to achieving our vision of a truly sustainable supply chain.</p>	Yes/No.
<p><b>2. Climate Change:</b> Will the procurement minimise contribution to climate change and support goods, services and works that are well-adapted to the consequences of a changing climate.</p>	Yes/No.

<p><b>3. Whole life-cycle costs:</b> Will the procurement deliver value for money by realistically assessing, where appropriate, the whole life-cycle costs of the goods, services and works procurement and not simply considering the initial purchase price?</p>	<p>Yes/No.</p>
<p><b>4. Fair and open competition:</b> Will the procurement activity comply with the public procurement framework and our Contract Standing Orders, which are intended to promote fair and open competition.</p>	<p>Yes/No.</p>
<p><b>5. Social, economic and environmental impact:</b> Will the procurement ensure that when developing our requirements for goods, services and works, the possible social, economic and environmental impacts of our procurement are assessed as actively seeking to contribute to the social, economic and environmental well-being of our remote and fragile island communities.</p>	<p>Yes/No.</p>
<p><b>6. Engagement with the market:</b> Where appropriate to the subject matter of the contract, is pre-market engagement and consultation to be undertaken for this to consider sustainability issues for this procurement?</p>	<p>Yes/No.</p>
<p><b>9. Places, people and other species:</b> Will this procurement of goods, services and works impact negatively on places, people and other species both locally and elsewhere?</p>	<p>Yes/No.</p>

<p><b>8. Meeting the needs of People:</b> Where appropriate will consultation take place with the people whose needs we aim to meet through our procurement to ensure that we procure goods, services and works that meet their needs?</p>	<p>Yes/No.</p>
<p><b>10. Equality Issues:</b> Will this procurement not intentionally discriminate against specific groups of people when undertaking our procurement activities and promote equality in line with legislative requirements?</p>	<p>Yes/No.</p>
<p><b>11. Modern Slavery Act 2015:</b> Where appropriate will this procurement exercise support the aims of the Modern Slavery Act 2015 and ensure that our suppliers provide us with confirmation of their compliance with the Act?</p>	<p>Yes/No.</p>
<p><b>12. Island Proofing:</b> Have the effects of island proofing been considered where appropriate and in light of the anticipated guidance issued by the Scottish Government.</p>	<p>Yes/No</p>
<p><b>13. Fair Work First:</b> Will this procurement exercise include adoption of the Fair Work First principles where this is appropriate to the subject matter of the contract.</p>	<p>Yes/No</p>
<p><b>3. Impact Assessment</b></p>	
<p>Does the analysis above identify any differential impacts which need to be addressed?</p>	<p>Yes/No.</p>
<p>How could you minimise or remove any potential negative impacts?</p>	

Do you have enough information to make a judgement? If no, what information do you require?	Yes.
---------------------------------------------------------------------------------------------	------

<b>4. Conclusions and Planned Action</b>	
Is further work required?	Yes/No.
What action is to be taken?	
Who will undertake it?	
When will it be done?	
How will it be monitored? (e.g. through service plans).	

Signature:

Name: (BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to the Procurement Manager. A Word version should also be emailed to [procurement@orkney.gov.uk](mailto:procurement@orkney.gov.uk)



## Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	Sustainable Procurement Policy 2022
Service / service area responsible.	Environment, Property, IT and Facilities
Name of person carrying out the assessment and contact details.	Rosemary Colsell , Procurement Manager <a href="mailto:rosemary.colsell@orkney.gov.uk">rosemary.colsell@orkney.gov.uk</a> 01856 873535 ext 2640
Date of assessment.	15 February 2022
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Existing Sustainable Procurement Policy reviewed to reflect new legislation and for consultation responses to be included where applicable.

<b>2. Initial Screening</b>	
What are the intended outcomes of the function / policy / plan?	To purpose of the Sustainable Procurement Policy is to provide a framework for the sustainable procurement of Supplies, Services and Works
Is the function / policy / plan strategically important?	Yes, this is a Council Policy
State who is, or may be affected by this function / policy / plan, and how.	All suppliers who bid for contracts which are advertised by the Council.
How have stakeholders been involved in the development of	Officials of the Council worked to reviewed and developed the draft policy prior to the commencement

<p>this function / policy / plan?</p>	<p>of the public consultation.</p> <p>The Sustainable Procurement Policy was issued for public consultation on 29 July 2021. Comments received by the closing date of 19 August 2021 have been reviewed and incorporated where possible.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>A consultation was conducted by the Scottish Government on the Changes to the Scottish Procurement Regulations in 2015.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See <a href="#">The Fairer Scotland Duty Guidance for Public Bodies</a> for further information.</p>	<p>The Sustainable Procurement Duty and Community Benefits Requirements in Procurement addresses this issue through a number of mechanisms detailed in the Sustainable Procurement Policy.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No – compliance with the Equalities Act in part of the Authorities Terms and Conditions.</p>
<p>2. Sex: a man or a woman.</p>	<p>No – As above</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No – As above</p>
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	<p>No – As above</p>
<p>5. Pregnancy and maternity.</p>	<p>No – As above</p>
<p>6. Age: people of different</p>	<p>No – As above</p>

ages.	
7. Religion or beliefs or none (atheists).	No – As above
8. Caring responsibilities.	No – Outcome 1 of the Sustainable Procurement Policy
9. Care experienced.	No - Outcome 1 of the Sustainable Procurement Policy
10. Marriage and Civil Partnerships.	No – compliance with the Equalities Act in part of the Authorities Terms and Conditions.
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) No - compliance with the Equalities Act in part of the Authorities Terms and Conditions.
12. Socio-economic disadvantage.	No - Outcome 1 of the Sustainable Procurement Policy

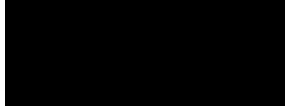
### 3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No
How could you minimise or remove any potential negative impacts?	NA
Do you have enough information to make a judgement? If no, what information do you require?	Yes

### 4. Conclusions and Planned Action

Is further work required?	As and when new legislation and guidance is issued by the Scottish Government.
What action is to be taken?	As and when new legislation and guidance is issued by the Scottish Government
Who will undertake it?	Procurement Manager
When will it be done?	On an annual basis
How will it be monitored? (e.g. through service plans).	The Procurement Service Improvement Plan has a section which monitors the Council's commitment to Sustainability and is included in the Council's Procurement Annual Report.

Signature:



Date: 16/02/2022

Name: Rosemary Colsell,  
Procurement Manager

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at [hrsupport@orkney.gov.uk](mailto:hrsupport@orkney.gov.uk)