

**CHRISTIAN CONCERN FOR OUR  
NATION & THE CHRISTIAN LEGAL  
CENTRE RESPONSE TO THE  
COMMUNITIES AND LOCAL  
GOVERNMENT DEPT  
CONSULTATION ON CREATING A  
SINGLE EQUALITY SCHEME FOR  
2010 -2013**

**FEBRUARY 2010**



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## About Us

Christian Concern for Our Nation (CCFON) is a policy and legal resource centre that identifies changes in policy and law that may affect the Judeo-Christian heritage of this nation. The team of lawyers and advisers at CCFON conduct research into, and campaign on, legislation and policy changes that may affect Christian Freedoms or the moral values of the UK. CCFON reaches a mailing list of 25,000 supporters. <http://www.ccfon.org>  
CCFON is linked to a sister and separate organisation, the Christian Legal Centre, which takes up cases affecting Christian freedoms. <http://www.christianlegalcentre.com>

The Consultation can be found can be found at the following link :

<http://www.communities.gov.uk/publications/corporate/singleequalityschemeconsultation>

The Consultation document can be at the following link :

<http://www.communities.gov.uk/documents/corporate/pdf/987402.pdf>

The Easy Read version can be found at the following link :

<http://www.communities.gov.uk/documents/corporate/pdf/1423558.pdf>

The Easy Read Answer booklet:

<http://www.communities.gov.uk/documents/corporate/pdf/1423560>

## Have your say

- [Respond by email](#)  
SES2010.responses@communities.gsi.gov.uk
- Respond in writing, using the following address:

*SES2010 Consultation*

*Race Equality and Diversity Division*

*Communities and Local Government*

*Zone 5/B1*

*Eland House*

*Bressenden Place*

*London SW1E 5DU*

**Closing Date: 28 February 2010**

## **Executive Summary**

1. The Consultation is being conducted by the Communities and Local Government Department. The subject matter for the consultation is on creating a single Equality scheme for 2010 to 2013. The purpose of the consultation is to ask for views on the possible priorities for the Department's first Single Equality Scheme and to set the priorities for the next 3 years.

The Consultation sets key Equality priorities and the CLG have yet to finalise them and are consulting on this point.

The consultation proposes 12 priority areas. These are 1) civic participation, 2) local authority delivery of services, 3) housing, 4) regeneration, 5) creating cohesive communities, 6) race Equality, 7) planning, 8) creating safer communities, 9) representation of the fire and rescue service, 10) CLG being representative of the community it serves, 11) CLG delivering policies which support Equality and Diversity and 12) CLG's purchasing supporting Equality and Diversity.

2. We support the approach in sections one and two of the Consultation, which has the central commitment to a fair deal for everyone and to develop policies that recognise and respond to the needs of the UK's diverse communities.

We appreciate the need to concentrate upon fairness. In the Consultation, fairness is seen to be important because it gives everyone an equal chance in life and creates a successful economy by drawing on everyone's talents.

However, the Consultation's concentration on diversity has both a positive and negative side. On the positive side, diversity is helpful as there is a need to consider individual needs, which an Equality agenda by itself fails to do. On the other hand, diversity and pluralism have the inherent danger of marginalising our common shared values resulting from our Christian heritage. We note that Christianity has no mention in this consultation.

Furthermore, none of the example Equality outcomes even considers Christianity. Yet there are three references to Muslims and a reference to interfaith issues.

3. The CLG is responsible for national policy on Local Government in England<sup>i</sup> and has a key role to play. We believe that a key new priority should be for national policies for Local Government to look at the impact of Equality and Diversity Policies for Local Government employees, for grant awarding, for procurement contracts and other matters in Local Government. The purpose of doing so would be to ensure that Christians are treated fairly, have a fair chance at employment, promotion and a fair chance of accessing Local Government monies. Christians contribute towards Local Government funding as taxpayers and council taxpayers. Fair rules should be deployed to encourage fairness of support for the Christian community.

4. There are a number of examples of how Christians or Christian organisations are facing discriminatory actions from Local Government and not being treated fairly. This covers unfair treatment in employment<sup>ii</sup>, in fostering<sup>iii</sup>, in funding opportunities<sup>iv</sup> and local authorities even taking action to silence worship from churches by noise abatement notices.  
<sup>v</sup> Please see the website of Christian Legal Centre for many examples of how Christians are being unfairly treated.<sup>vi</sup>

5. There is a need for a lead to be taken by Central Government to ensure that Local Government is operated in a way which treats Christians, Churches and Christian organisations fairly. We hope that as a result of this consultation response the CLG will include this as a key priority in the Single Equality Scheme for 2010 to 2013 because of its central commitment to fairness.

## **Our Response:**

### **Consultation Questions**

Consider the outcomes suggested (with those groups you represent, if appropriate) and answer the following questions:

#### **Question 1**

**Are these the key areas of the Department's policy that affect you?**

**If so, how?**

The key areas of policy affect Christians and Christian organisations.

#### **Question 2**

**If not (or not entirely), what key equality outcomes would you like us to achieve in the areas that do?**

The Equality outcomes and policies have not considered Christians. We have made more detailed comments below under some of the key policy areas to show how Christians and Christian organisations should be considered more fully in some of these key areas.

#### **Question 3**

**Which of all of these are the three most important?  
(Please rank them starting with the most important first).**

We believe that priority area 11 is important in the CLG delivering policies, which support Equality and Diversity in the form of national policy on Local Government. We agree that it is important that policies are properly screened and impact assessed for their effect on equalities. We would add that its impact on religious individuals and organisations should be assessed.

However, we only think this priority is important if the following outcome is added:

**National Local Government policies** should be made by CLG to ensure that Local Government policies, procurement, service delivery, employment of staff and support for service providers allow for a fair and equal opportunity for Christians and Christian organisations so that they are not subject to discrimination. A fair chance means being allowed to operate without being unfairly asked to compromise religious beliefs or being faced with the stark choice of either being denied opportunities or being disciplined or sacked if religious beliefs are mentioned in the workplace.

Whilst we appreciate that Local Government has its own Equality schemes it is important that there is a central overview. The CLG are in the position to provide such an overview.

Civic participation, local authority delivery of services, creating cohesive communities creating safer communities and planning are some of the most important priorities. It would be difficult to state which of these ranks as more important than the other.

#### **Question 4**

**What actions would make the most difference to achieving those outcomes?**

**Consider if any of our current actions do this**

We have added our comments under some of the different priority areas, which we consider need adding because the current outcomes do not address the needs of Christians and Christian organisations. They have not been considered at all unless under an “interfaith” heading.

#### **Fuller Response to Question 2 with comments under the specific priority areas**

##### **Priority area (1):**

##### **CIVIC PARTICIPATION**

###### ***Issue***

*Civic participation is important because it lies at the root of stable and cohesive communities and enables all groups to have influence over the things that matter in their locality.*

Civic participation currently proposed is to have a focus upon youth. It would be helpful if the civic participation could also include a focus upon faith communities particularly Christian ones. Faith Communities are a valuable source of community support and participation and much of community life may centre on Church or faith activities. For example, although not in England, a study entitled “Faith in Wales” indicates that the activities organised by faith communities to serve their local communities are delivered by over 42,000 volunteers. Overall, in Wales, an estimated 500 faith communities participate in Government regeneration activities or are strongly involved in their local Community strategy or both.<sup>vii</sup> Civic participation and involvement in local decision making from a faith perspective will help to ensure that the common good is considered.

##### **Priority area (2):**

##### **LOCAL AUTHORITY DELIVERY OF SERVICES**

###### ***Issue***

*The delivery of goods and services to all groups at the local level is important because it impacts on the communities in which we live and raise our families.*

It is important that local authorities meet the needs of the local communities they serve. Whilst not a local authority service, Churches and Christian organisations provide a network of support for their communities often on a voluntary basis. The often-unseen help they provide for communities is very wide ranging. A local Church can provide a drop in coffee centre for the lonely and elderly, a lunchtime meal for pensioners and youth groups for children and young people, mother toddler groups and often facilitate brownies, girl guides and scouts. Churches may help and assist the full age range of people in their local communities from babies to youth and to the elderly. There is often an unmet demand in local communities for mother toddler groups and work with youth, which outstrips volunteers.

When such organisations wish to help further, with youth projects or other community outreach, their community expertise and local knowledge should be valued. Sometimes local authorities provide services through Christian organisations. Local authorities should look at ways to assist the community endeavours of such further community outreach by Christian organisations in view of their local knowledge and experience. Local Government financial support should not mean that Christian organisations have to leave their faith behind or water down their ethos. Secular organisations are not asked to leave or dispose of their ethos and principles and neither should Christian organisations be asked to do so, in order to ensure a fair chance of obtaining Local Government support.

The Department for Communities and Local Government has been reported as dropping plans for a new Charter of Excellence for faith groups seeking public funding. This was akin to the idea of the faith works charter, which would prevent funding if faith groups were to evangelise. Christian organisations running groups such as youth clubs do so as an outworking of their faith. To argue that they cannot pray or talk about their faith when doing so is akin to asking the workers/volunteers to leave their motivation behind. Imposing such requirements on Christian organisations who try to obtain funding is indirect discrimination and comes out of an intolerant secularist agenda. For example, a toddlers' group was warned by a local authority, it would lose its funding unless children stop singing songs about Jesus and it removed the word "Christian" from its title.<sup>viii</sup>

None of the current outcomes considers the role of faith communities in the delivery of services and supporting that delivery without being prejudicial to faith organisations beliefs.

#### **Priority area (4)**

#### **PROMOTING REGENERATION AND TACKLING DEPRIVATION**

Faith communities may become involved in this area.

#### **Priority area (5)**

#### **CREATING COHESIVE COMMUNITIES**

##### ***Possible long term outcome***

*Improved community cohesion across varied communities.*

Under this heading, it is stated that “Strong communities are based on shared values, fair rules and strong representative democracy: where everyone has a voice and no-one is marginalised....respecting the values of British society.”

In our opinion, interfaith, multifait and pluralist policies are eroding the values of British Society, which are rooted in Christianity. Christians are not being given a fair chance to participate in policymaking and are being ignored. Diversity and social cohesion considerations appear to exclude Christianity. For example, the Charity Commission 's Faith groups programme for the Faith and Social Cohesion Unit for 2004 to 2007 included Muslim, Jewish, Hindu, Sikh, Buddhist, Baha'i, Jain, Ravidassi, Zoroastrian, Ahmadiyya and Valmiki but not Christians.<sup>ix</sup>

A similar approach appears to be adopted here; Christians are being ignored. Under this priority area, there are three Muslim projects but no Christian ones.

We recommend and request the setting up of a **National Christian Advisory Group**— as an independent informal group to advise CLG on issues to ensure that Christians are not marginalised and increase their participation in civic, economic and social life at both Local Government and Central Government level.

There is a need to ensure that Equality and Diversity policies across Local Government are not prejudicing Christian employment or unfairly disciplining Christians because of their faith. The group should ensure that Christians are represented in the Government's engagement with Christian communities. The group should help to ensure that central CLG and national Local Government policies, contracting or funding opportunities are not discriminating against Christians or asking them to promote other religions or other sexual ethics contrary to religious beliefs.

Work should be undertaken with the CLG to develop fair national Local Government policies which are not 'all inclusive' and which allow a fair and equal access to employment and funding opportunities. It is important that such a group include a high proportion of Christians with traditional orthodox Christian beliefs that are most likely to be negatively impacted by Equality and Diversity policies, which do not fully take account of the need for Christian communities to adhere to their statement of faith and beliefs.

### **Priority area (6)**

#### **PROMOTING RACE Equality**

**We note that under this heading one outcome includes Inter faith dialogue – working to promote good inter faith relations –including between different ethnicities within faith traditions.**

There is far too much emphasis upon interfaith issues and not enough upon seeing to the particular needs of different faiths including Christianity.

Interfaith or multifaith is presented in a positive light by the use of terms such as *diversity* and *inclusion* on the basis of a misconstrued notion. There is a basic misunderstanding of how Christian Organisations function which is to except every person as equal in the sight of God but not to accept every kind of behaviour. The real effect of policies of diversity and inclusion is that they result in the exclusion and destruction of mainstream shared cultural norms and values, which derive from England's Christian traditions and heritage. This emphasis upon interfaith normally means the inclusion of every religion except Christianity.

The interfaith emphasis should be replaced by the importance of including all religions but respecting their different beliefs and traditions.

The tendency to ignore Christianity in Equality and Diversity policies has been commented upon by the Archbishop of York. In the context of the case of a Christian nurse who was suspended for offering to pray for a patient and a Christian primary school receptionist who could face dismissal for asking for prayer of her church after her primary school daughter was scolded for talking about Jesus, the Archbishop of York commented as follows: "*The intolerance and ignorance of those who would relegate the Christian faith to just another disposable lifestyle choice, argue that they operate in pursuit of policies based on the twin aims of 'diversity and equality'. "Yet in the minds of those charged with implementing such policies "diversity" apparently means every colour and creed except Christianity, the nominal religion of the white majority; and "equality" seemingly excludes anyone, black or white, with a Christian belief in God."*"<sup>x</sup>

### **Priority area (7)**

#### **A PLANNING SYSTEM THAT TAKES ACCOUNT OF EQUALITIES**

##### **Issue**

*It is important that planning takes proper account of social objectives including the needs of different groups.*

There is a need to include in Local Government planning systems and policies, a consideration for Places of Worship. This issue was recently raised by a 15,000 petition by Christians in relation to the omission of the planning considerations for Places of Worship in the London plan. Churches in London are frequently being denied appropriate planning permission to build and refurbish their Church buildings, to cater for growing demand. Churches are a central focal point for community demand.<sup>xi</sup>

### **Priority area (8)**

#### **CREATING SAFER COMMUNITIES**

##### **Issue**

*Prevention, protection, response and resilience are key to people feeling and staying safe in their homes and communities.*

This priority area should include the need to consider making towns and cities a safer place at night. This could include central national policies for Local Government to encourage and ensure that as many local authorities as possible pass a resolution to treat lap dancing licence applications under the Policing and Crime Act 2009 rather than the Licensing Act 2003, so that local people have a say. It is highly undemocratic for council taxpayers to be told that they are not interested parties under the Licensing Act 2003 because they do not live or have a business in the vicinity of the town centre. The culture of a local town centre is for everyone in the local community and those who use it should be entitled to have a say.

Policies should be developed particularly across licensing to ensure that cities and town centres are family friendly and safe places to be; not only at night but in the daytime as well. For example, guidance issued under section 182 of the Licensing Act 2003<sup>xii</sup> could be tightened to make it easier for Licensing Committees to refuse licences and licence variations on the grounds of creating safer family friendly day and night time economies. It should take much more account of the need to ensure the safety of women who live, work or use the town or city centres.

### **Priority area (10)**

#### **CLG IS REPRESENTATIVE OF THE COMMUNITIES IT SERVES**

##### **Issue**

*Diversity is strength and underpins effective performance, public acceptability and sector leadership*

To ensure that the CLG is representative of the communities it serves, it is important that Equality outcomes include the full inclusion of Christians. Staff recruitment, promotion and development should ensure that Christians are not being marginalised. It is important that there is no requirement for staff to sign an “all inclusive” Equality policy, which is prejudicial to Christian beliefs and a barrier to appointment or continuing employment.

More specifically, religious applicants or employees do not want to have to sign so called Equality contractual policies, which seek to promote other religions or other sexual ethics contrary to core religious beliefs.

Such contractual linking policies are not required by the Equality Bill and may be indirectly discriminatory for those with religious beliefs.



It is important to ensure that there is reasonable accommodation for Christian beliefs if ever work tasks conflict on a conscientious objection basis with such beliefs. This can often easily be achieved by simple re-rotating of work or not expecting people to work where this would be against their religious conscience. It is also important that raising issues of religious conscience does not result in any disciplinary action or affect any promotion and development opportunities to ensure that Christians are not victimised for their beliefs.

### **Priority area (11)**

#### **CLG IS DELIVERING POLICIES WHICH SUPPORT EQUALITIES AND DIVERSITY**

##### **Issue**

*It is important that policies are properly screened and impact-assessed for their effect on equalities; and that staff are aware of the need, and have appropriate expertise, to deliver this. There is a need for relevant and timely Equality schemes/progress reports.*

Under this priority area, the outcome should include achieving Equality and Diversity policies and practices, which do not marginalise or discriminate against Christians. It is highly important that policies by CLG and national policies by the CLG for Local Government fully consider the unintended consequences of Equality and Diversity policies. Such policies may negatively impact upon Christians. Measures should be taken to ensure that Christians are being treated fairly.

We agree that it is important that those policies are properly screened and impact-assessed for their effect on equalities; and that staff are aware of the need, and have appropriate expertise, to deliver this.

In general terms and in terms of the CLG's policies on procurement, Equality and Diversity policies need to fully take account of the fact that those with religious beliefs either individuals or organisations do not wish to promote other faiths or other sexual ethics. To do so may be contrary to their charity foundation documents as well as being contrary to religious conscience. The need to consider the right for conscientious objection should always be in the minds of those considering the impact of policies.

The EU Universal Charter of Human Rights in Article 10(2) on freedom of thought, conscience and religion <sup>xiii</sup>says that the right to conscientious objection is recognised, in accordance with national laws governing the exercise of this right." Whilst the abortion law has that conscientious objection right, it has not been drafted into our laws for Equality or Local Government to date. However, in the interests of fairness, there is no reason why this right of conscientious objection cannot be incorporated into national Local Government policies to allow for reasonable accommodation of religious beliefs.

### **Priority area (12)**

#### **CLG'S PURCHASING SUPPORTS EQUALITIES AND DIVERSITY**

##### **Possible long term outcome**

*CLG Procurement delivers benefit by using all contract opportunities to progress the Equality and Diversity agenda*

**Procurement Guidance including the Office of Government Commerce guidance  
Make Equality Count**

##### **Issue**

CLG's 2007/08 spend on goods and services was £566m. Within the framework of overall government policy, this represents an opportunity to move the Equality and Diversity agenda forward by either influencing our suppliers' practices contractually or by partnering with them.

We disagree with this being included as a priority and it should be excluded from the Single Equality Scheme for the CLG.

We are concerned about the impact of guidance such as the OGC's *Making Equality Count* and the Government's recent policy statement on this issue. In these documents, it is assumed that the CLG will apply this in their procurement activities and to any national policy for Local Government in England by the CLG department.

We are concerned that public procurement, which allows for Equality related award criteria or contract conditions, would be extremely detrimental to faith-based groups, resulting in discrimination against them when competing for public funding from either Central or Local Government. The reason for the concern is the danger of local authorities imposing all inclusive Equality conditions, which require religious organisations to promote all religions or beliefs and all sexual ethics contrary to core religious beliefs and the ethos of religious organisations.

For this reason, we strongly object to the Government's proposed new policy on public procurement<sup>xiv</sup> to allow for Equality related award criterion or contract conditions, which like the OGC publication *Making Equality Count*<sup>xv</sup> is over emphasising the importance of Equality as defined by the Government. Article 53 of the EU Directive (2004/18/EC) on public procurement allows for bids to be awarded on the basis of two award criteria only, namely, either the most economically advantageous tender (MEAT) or the lowest price. The UK's policy is to use MEAT.<sup>xvi</sup> *Making Equality Count* states, "Although equality is not explicitly stated, in some cases equality can be relevant; for example equality issues can affect the 'quality' of a service being delivered."<sup>xvii</sup>

The European Directive<sup>xviii</sup> (2004/18/EC) "on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts" is not called the Public Procurement "Equality" Directive.

The Government's new policy on public procurement which is proposing to put into place Equality related award criteria or contract conditions is based on the weak foundation that in Article 53 of the Public Procurement Directive under the award criteria MEAT the word "quality" is being over-interpreted to mean "equality".<sup>xix</sup> We assume that if the EU Directive intended this to be the case that the word "equality" would have been used instead of the word "quality". Equality may or may not relate to the quality of a contract. The word "quality" was used in a competitive business context in the Directive for the award criteria of MEAT to refer to matters such as *for example, quality, price, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost-effectiveness, after-sales service and technical assistance, delivery date and delivery period or period of completion.*

The Government responded to concerns from religious organisations about the potential of prejudicial "all inclusive" Equality conditions by arguing that Equality **related award criterion** or contract conditions for procurement would only be used where this was justified as being **relevant** and **proportionate**.<sup>xx</sup> There are no ideas of such a nature in the Directives in contract awarding. In our opinion, this is adding extra award criteria beyond the two award criteria allowed. We request, that for this reason, this priority is omitted

from the CLG Single Equality Scheme for 2010 to 2013 and from any national Local Government policies by CLG on this topic. Such policies, which make Equality central to contract awarding, are not only prejudicial to religious organisations but also to free and fair competition and value for money. They may well create an uneven playing field and fail to give religious organisations a fair chance to compete for Central and Local Government monies.<sup>xxi</sup>

## REFERENCES

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<sup>i</sup> See page 8 -CLG Single Equality Duty Progress Report July 2009:

“11. Local authorities, as public bodies, are subject to the equalities duties themselves. They are our major delivery partners, particularly with regard to our policies on housing, planning and fire services, but several other central government departments also deliver through them. We are required to take into account race, gender and disability Equality when we advise Local Government, in the same way that we consider this when we look at our own services, functions and policies. We are responsible for national policy on Local Government in England. This includes how it is set up, what it does, how well it works, and how it is funded. Local authorities are responsible for a broad range of services in local areas.”

<http://www.communities.gov.uk/documents/corporate/pdf/1298666.pdf>

<sup>ii</sup> See the case of Duke Amachree and the case of Theresa Davies:

<http://www.christianlegalcentre.com/view.php?id=933>

<http://www.christianlegalcentre.com/view.php?id=932>

<sup>iii</sup> See ongoing case of Eunice and Owen Johns:

<http://www.christianlegalcentre.com/view.php?id=264>

Vincent and Pauline Matherick:

<http://www.christianlegalcentre.com/view.php?id=182>

<sup>iv</sup> See our Executive summary and consultation response on the Public Sector Equality Duty:

[http://www.ccfon.org/docs/CCFON\\_&\\_CLC\\_Response\\_to\\_the\\_GEO\\_Equality\\_Bill\\_Consultation\\_on\\_Specific\\_Duties.pdf](http://www.ccfon.org/docs/CCFON_&_CLC_Response_to_the_GEO_Equality_Bill_Consultation_on_Specific_Duties.pdf)

<sup>v</sup> Noise Abatement cases:

<http://www.christianlegalcentre.com/view.php?id=982>

<http://www.christianlegalcentre.com/view.php?id=950>

<sup>vi</sup> See Christian Legal Centre website:

<http://www.christianlegalcentre.com/index.php?tid=0>

<sup>vii</sup> See Faith in Wales:

[http://www.gweini.org.uk/download/English%2003\\_03%20comp%20smaller.pdf](http://www.gweini.org.uk/download/English%2003_03%20comp%20smaller.pdf)

<sup>viii</sup> See Sing about Jesus and you will lose your grant:

<http://www.telegraph.co.uk/news/uknews/1536676/Sing-about-Jesus-and-youll-lose-your-grant.html>

<sup>ix</sup> See Working with faith groups-The Charity Commission Faith Groups Programme 2004-07:

<http://www.charity-commission.gov.uk/enhancingcharities/faithgrp.asp>

<sup>x</sup> See The intolerance towards Christians in the public sector is an affront

Friday 13 February 2009

<http://www.archbishopofcanterbury.org/2174>

<sup>xi</sup> See <http://www.ccfon.org/view.php?id=951>

<sup>xii</sup> See Guidance issued under Section 182 of the Licensing Act 2003

<http://www.culture.gov.uk/images/publications/RevisedGuidanceJune2007.pdf>

<sup>xiii</sup> See [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf)

<sup>xiv</sup> See Chapter 5 Procurement in the GEO Equality Bill Making it Work Policy Proposals for Specific Duties – GEO Government Response Jan. 2010 [http://www.equalities.gov.uk/pdf/psdresp\\_GEO\\_MakingItWork\\_acc.pdf](http://www.equalities.gov.uk/pdf/psdresp_GEO_MakingItWork_acc.pdf)

<sup>xv</sup> See OGC Make Equality Count:

[http://www.ogc.gov.uk/documents/Equality\\_Brochure.pdf](http://www.ogc.gov.uk/documents/Equality_Brochure.pdf)

<sup>xvi</sup> See footnote on page 16 OGC Make Equality Count and Article 53 quoted below:

[http://www.ogc.gov.uk/documents/Equality\\_Brochure.pdf](http://www.ogc.gov.uk/documents/Equality_Brochure.pdf)

<sup>xvii</sup> See page 16 OGC Make Equality Count:

<sup>xviii</sup> See **Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts**

Recital 46) Contracts should be awarded on the basis of objective criteria which ensure compliance with the principles of transparency, non-discrimination and equal treatment and which guarantee that tenders are assessed in **conditions of effective competition**. As a result, it is appropriate to allow the application of **two award criteria only: "the lowest price" and "the most economically advantageous tender"**.

Article 53

Contract award criteria

1. Without prejudice to national laws, regulations or administrative provisions concerning the remuneration of certain services, the criteria on which the contracting authorities shall base the award of public contracts shall be either:

(a) when the award is made to the tender most economically advantageous from the point of view of the contracting authority, various criteria linked to the subject-matter of the public contract in question, for example, **quality**, price, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost-effectiveness, after-sales service and technical assistance, delivery date and delivery period or period of completion, or

(b) the lowest price only.

2. Without prejudice to the provisions of the third subparagraph, in the case referred to in paragraph 1(a) the contracting authority shall specify in the contract notice or in the contract documents or, in the case of a competitive dialogue, in the descriptive document, the relative weighting which it gives to each of the criteria chosen to determine the most economically advantageous tender.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0018:EN:NOT>

<sup>xix</sup> See the Minister's answer to an amendment on this subject in the Equality Bill on the 9<sup>th</sup> of February 2009 *The directives do not undermine the provisions in the Bill and we do not believe that there is a contradiction between award criteria that take into account the most economically advantageous tender and Equality; for example, **quality** is a permitted criteria when deciding the most economically advantageous tender. **Quality will be linked to many Equality issues**, such as whether a service meets the needs of users from all sections of the community.*

<http://www.theyworkforyou.com/lords/?gid=2010-02-09a.648.0>

<sup>xx</sup> See page 27 in the GEO Equality Bill Making it Work Policy Proposals for Specific Duties -GEO Government Response January 2010 [http://www.equalities.gov.uk/pdf/psdresp\\_GEO\\_MakingItWork\\_acc.pdf](http://www.equalities.gov.uk/pdf/psdresp_GEO_MakingItWork_acc.pdf)

<sup>xxi</sup> Please see CCFON & CLC full response to the GEO Consultation on Making it work: Policy Proposals for Specific Duties:

[http://www.ccfon.org/docs/CCFON\\_&\\_CLC\\_Response\\_to\\_the\\_GEO\\_Equality\\_Bill\\_Consultation\\_on\\_Specific\\_Duties.pdf](http://www.ccfon.org/docs/CCFON_&_CLC_Response_to_the_GEO_Equality_Bill_Consultation_on_Specific_Duties.pdf)