

# Orbis Procurement Supplier Code of Conduct

On behalf of East Sussex County Council, Surrey County Council and Brighton and Hove City Council

Date: June 2024

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Version 4.0

Approver: Procurement SLT

## About Orbis Procurement

Orbis Procurement is a shared service partnership between Surrey County Council, East Sussex County Council, and Brighton & Hove City Council. It is one of the UK's largest public sector providers of innovative, flexible, strategic and tactical procurement solutions, and helps partners to manage and improve the delivery of public services.

Orbis Procurement's objective for its partners' supply chains is to ensure that our significant third party spend can be used to deliver greater "public benefit", securing value that furthers national, regional and local priorities and needs. This Supplier Code of Conduct is designed to provide understanding, alignment and continuous improvement around these objectives throughout the full procurement and contract lifecycle.

## Introduction

Be it generating and retaining wealth within our communities, contributing to the achievement of environmental commitments, or mitigating against the risk of abuse and discrimination within our supply chain, it is our responsibility to procure in an ethical, fair, responsible, and sustainable way and that our supply chains align with our policy objectives.

Successful supply chains are built on shared goals, trust and values. These are relationships that are developed and deepened over time through collaboration, transparency and continuous improvement. We believe that this Code of Conduct (the "Code") will be mutually beneficial and improve the outcomes of all parties' objectives.

Orbis Procurement is working towards a culture of high standards whereby supply chain activities are operated in an ethical and sustainable way, and in accordance with all applicable laws. The Code is based on the principles of UN Global Compact. In the first instance this Code is primarily aimed at communicating our values, priorities and objectives, and we will seek to reinforce these through the procurement of goods, services and works, to monitor adherence to the Code through the contract lifecycle, and collaborate with suppliers to evolve and improve alignment and delivery of these objectives.

All Suppliers must adhere to relevant laws and regulations as they apply to the goods and services procured by the Councils and therefore this Code does not seek to detail these areas. However, as the Councils believe that we must go further to address the challenges we collectively face and build sustainable, healthy and prosperous communities now and for the future, this Code describes those areas in which we expect suppliers to collaborate with the Councils to achieve more than the legal or regulatory requirement.

**This Code applies to suppliers, and their extended supply chain, performing obligations under a contract for any Orbis partner authority. The Code will be applied in a proportionate and relevant manner according to the market and the goods or services provided. Orbis Procurement reserves the right to amend this Code as a result of emerging new policy objectives or further development of existing ones. Any specific requirements under the Code will be detailed in any given tender and resultant contract.**

## How this Code will be used

The Code is made available to our suppliers with the goal of strengthening our mutual understanding of how these principles should be practiced in day-to-day business, this may include Orbis Procurement:

1. Using the Code in all relevant procurements, requiring suppliers to confirm acceptance with elements of the Code that are relevant and proportionate to a particular contract.
2. Applying selection and/or award criteria in tenders related to the Code where relevant and proportionate.
3. Asking suppliers to describe how they will support the relevant aims of the Code.
4. Incorporating contractual clauses where relevant related specifically to the Code.
5. Using performance measurement and reporting requirements in relevant contracts related to the Code and / or the principles within it.
6. Working with suppliers to promote and improve ethical business practices.
7. Guiding collaboration and innovation in supplier relationship management activities.

For the avoidance of doubt, if any of the provisions herein conflict with contractual stipulations between a Supplier and the relevant Authority, the contractual stipulations shall prevail.

## Our principles

Adhering to the law is the minimum standard expected of suppliers. Suppliers must at all times comply with legislation, and any applicable regulations or industry standards (whichever affords the highest standard) relevant to the goods, services and works provided to Orbis partner authorities, wherever they operate. This includes but is not limited to those related to anti-bribery, tax, corruption, fraud, data privacy, equality, diversity and inclusion, health and safety, environment, modern slavery, labour and human rights, and ethical and responsible business practices.



We expect our suppliers and their supply chains to follow three key principles which focus on **people**, **planet** and **public service**. These principles are underpinned by an overarching expectation for suppliers to conduct their business responsibly, maintaining high standards of integrity and professionalism in their business dealings.

## PEOPLE: Respect and uphold labour and human rights

We are committed to promoting awareness of and respect for internationally recognised human rights inherent to all human beings and respecting the principles concerning fundamental rights of workers set out in core labour standards. This includes workers operating within our organisation and supply chains and people that may be impacted by supply chain activities.

We also have a responsibility to ensure that our activities do not cause, contribute, or are linked to adverse human rights impacts such as modern slavery. Modern slavery is an umbrella term used to describe a range of exploitative practices including slavery, servitude, forced labour or compulsory labour, and human trafficking. These practices sit at the extreme end of a continuum of exploitation ranging from poor and unlawful labour and employment practices to severe forms of exploitation amounting to modern slavery. The authorities' approach to this issue includes a commitment to ensuring that people are not subjected to exploitation anywhere in their operations and supply chains. We are committed to conducting due diligence to identify and address risks related to our projects, activities, and relationships.

We are also committed to respecting and promoting equality, diversity, and inclusion. Advancing opportunity and fostering good relations are legal duties in all partner authorities' activities. The authorities are opposed to any form of discriminatory practices within their operations and supply chains and seek opportunities to increase and promote equality.

## PLANET: Manage environmental impact

Orbis Procurement and our partner authorities recognise that a healthy and properly functioning natural environment is the foundation of a thriving economy, employment stability, prospering communities and personal wellbeing. The authorities have each declared Climate Emergencies and have committed to improve biodiversity, recover natural capital or enhance the natural environment. The procurement of goods, works and services has environmental implications in their respective areas and around the planet, as a result, the Councils are actively working to reduce and minimise these negative effects where possible.

Our local communities are directly affected by Climate Change, with rural and urban communities facing increased risk of flooding, older people affected by extreme heat and public services coming under greater strain due to natural resource depletion. In many cases our supply chain is also part of that local community, this is therefore a shared challenge that requires a shared solution.

We are committed to ensuring that our supply chain now and in the future minimises the negative impact of delivering the goods, services and works we procure. Furthermore, we seek to ensure that opportunities for positive impacts on the environment are maximised. This Code supports collaboration and early engagement with the supply chain to find new and innovative ways to tackle this, enabling us to jointly set challenging carbon reduction targets and environmental performance standards, without leaving it too late.

## PUBLIC SERVICE: Deliver social value

The Public Services (Social Value) Act 2012 requires the Councils to consider:

- How what is being proposed to be procured might improve the economic, social and environmental well-being of the area where it exercises its functions; and
- How, in conducting the process of procurement, it might act with a view to securing that improvement.

We look to achieve social value from all goods, works and services that we procure. Delivering social value is about embracing a culture of civic leadership and delivering value over and above the core requirements and outcomes outlined in the contract. We understand that working with suppliers is key to delivering social value.

Our communities are diverse and include a wide-ranging demographic, alongside large rural and urban areas, however the partner authorities have developed an understanding of the core needs and priorities that will support healthy, prosperous and sustainable communities. These form the underlying principles of our approach to Social Value in Orbis Procurement, and we expect suppliers to engage and work with us to ensure the outcomes that can be achieved by delivering targeted Social Value.

## Our Commitments

Orbis Procurement and our partner authorities are committed to developing collaborative supplier relationships by:

- Being transparent and proportionate in all of our dealings with suppliers;
- Taking all reasonable steps to identify, and keep under review, any conflict or potential conflict of interest.
- Seeking a shared commitment to continuous improvement; and
- Complying with our contractual commitments including timely payments.

We will make sure our expectations and the requirements we set are proportionate to the market and the goods or services provided. We will not only look at the impact of a supplier's products and services, but also pay explicit attention to the sustainability of all aspects of our own business operations.

Our aim is to adopt ways of working which places the respect and protection of people and the planet at the heart of our business dealings and transactions. We commit to continue:

1. Abiding by applicable laws and regulations in our dealings, including respecting national and international standards against criminal conduct and responding immediately to such matters where they are identified.
2. Respecting and promoting fundamental human and labour rights within our operations.
3. Addressing inequality and taking proactive opportunities to advance equality, inclusion and community cohesion.
4. Taking action to minimise negative and promote positive environmental impacts generated by the goods, services and works we buy.
5. Not placing disproportionate burdens or transfer inappropriate risks onto the supply chain.
6. Promoting the delivery of social value in a way which supports the needs and priorities of the community.
7. Proactively engaging with our suppliers, their employees and extended supply chain to ensure that they align with partner authorities' goals and priorities.

8. Working towards maintaining mutually beneficial relationships with our suppliers that are healthy, sustainable, and innovative.

Finally, we aim to work with suppliers who make mutually beneficial improvements and deliver a more ethical and sustainable outcome for our partners and customers, taking a positive and supportive approach to compliance.

## Supplier Commitments

We expect suppliers to abide by all parts of this Code that are relevant and proportionate to their organisation and the contractual requirement. This includes:

1. Be honest and transparent in your dealings with us.
2. Understanding the partner authorities aims, objectives, values and priorities.
3. Treat your employees and extended supply chain with honesty, respect and integrity.
4. Taking all reasonable steps to identify, and keep under review, any conflict or potential conflict of interest.
5. Working with Orbis Procurement and partner authorities in a collaborative and cooperative way to deliver greater ethical and sustainable value from the relationship and move beyond compliance.
6. Continuously improve your approach to delivery of the principles of this Code.
7. Share and develop opportunities for innovation or alternative methods and technologies with us.
8. Make efforts to train employees and suppliers on the Code and its implications for your business.
9. Work with the Councils to build resilience and adapt to periods of external change and disruption.

We encourage suppliers to share the results and outcomes of their work with regards to the core principles of this Code, not only related to required performance measurements, but more widely to aid continued learning, recognition and supply chain development.

Our supply chain should have measures in place to correct any wrongdoings caused or contributed by their activities and/or business relationships. We expect suppliers to have clear, transparent, and appropriate frameworks in place to respond to grievances and remedy wrongdoings. Mechanisms should enable people, including workers, and suppliers to confidentially raise concerns without the threat or fear of discrimination or retaliation.

## Monitoring Compliance with this Code

This Code forms part of the procurement and contract documents issued by the partner authorities. When bidding for opportunities, the supplier may be required to demonstrate compliance with principles that are deemed relevant and proportionate to the contract. Suppliers will be informed of key principles relevant to the subject matter of the contract at the point of tendering. As a minimum all bidders will be asked to confirm that they will abide by the Code where relevant and proportionate.

The partner authorities may include performance measurement requirements and / or key performance indicators (KPIs) related to either the Code, its individual principles, related policies and guidance as well as key enablers such as continuous improvement and innovation.

We reserve the right at any point in the procurement or contract lifecycle to verify your organisation's alignment with appropriate principles outlined within this Code, as well as any relevant contractual commitments, legal compliance, or performance requirements by means as deemed appropriate. Compliance monitoring is expected to follow standard contract management processes to monitor aspects of the Code. In the event of wrongdoing, we reserve the right to enforce the contractual terms related to persistent default and breach of contract. Where possible and practical to do so, we will prioritise working with suppliers to put in place an action plan specific to the type of incident and to prevent recurrence.

Our partners each maintain a Whistleblowing Policy for all employees and suppliers. Any concerns pertaining to the violation of the principles contained within this Code should be reported via the authorities' whistleblowing channels by employees, suppliers, and anyone performing obligations under a contract with the authorities. This is key to ensuring that anyone, including employees of suppliers and contractors, can confidentially bring attention to any concerns to the relevant authority. Our suppliers are encouraged to use these policies when appropriate, and ensure an appropriate policy is in place in their own organisation.

[Brighton & Hove City Council - Whistleblowing policy](#)

[Surrey County Council - Whistleblowing policy](#)

[East Sussex County Council - Whistleblowing policy](#)

# Annex 1 – Requirements and examples of evidence

The following are examples of how suppliers can demonstrate compliance with this Code.

Principle	Code of Conduct requirements	Indicator/Evidence
<p>1. People: <i>Respect and uphold labour and human rights</i></p>	<p>1.1. Adhere to applicable national and international human rights and labour/employment laws and regulations.</p> <p>1.2. Where the law restricts, and where practical for your organisation put in place alternative means of protecting worker rights (such as providing alternative means of democratic representation for workers).</p> <p>1.3. Ensure responsible and ethical recruitment of workers in the supply chain.</p> <p>1.4. Provide a healthy, safe, and humane workplace environment.</p> <p>1.5. Support the mental health and wellbeing of workers.</p> <p>1.6. Prohibit physical abuse, the threat of physical abuse, sexual or other harassment, verbal abuse, and other forms of coercion.</p> <p>1.7. Promote decent working practices for their own employees and those operating within their supply chains.</p> <p>1.8. Establish robust measures to prevent modern slavery, forced labour, and child labour.</p> <p>1.9. Publish a modern slavery statement (where applicable).</p> <p>1.10. Proactively engage with their own supply chain on the issue of modern slavery including carrying out due diligence on their activities and business relationships where relevant to address modern slavery risks.</p> <p>1.11. Report measures taken to tackle the risk of modern slavery and any instances of actual cases to the contracting authority.</p>	<ul style="list-style-type: none"> <li>• Policies assuring compliance with labour and human rights issues (such as recruitment, employment, discrimination, health and wellbeing, and modern slavery).</li> <li>• Provisions explicitly addressing issues such as: freedom of workers to terminate employment; freedom of movement ; freedom of association; prohibition of any threat of violence, harassment and intimidation; prohibition of the use of worker-paid recruitment fees ; prohibition of compulsory overtime; prohibition of child labour; prohibition of discrimination; prohibition of the confiscation of workers identification documents; and access to remedy, compensation and justice for victims of modern slavery.</li> <li>• Procedures in place to ensure a safe and healthy environment for employees and other workers supporting contract obligations.</li> <li>• Evidence of union representation in the workplace.</li> <li>• Procedures to facilitate ongoing engagement with workforce.</li> <li>• Engagement with own suppliers on labour and human rights issues.</li> <li>• Measures to ensuring working conditions promote good mental health and wellbeing in the workplace.</li> <li>• Knowledge of specific modern slavery risks facing suppliers' organisation and supply chains.</li> <li>• Due diligence and risk management process to respond to identified risks.</li> <li>• Publication of a modern slavery statement where applicable.</li> </ul>



1.12. Comply with the Equality Act 2010 and other applicable national laws associated with equality, diversity and inclusion and ensure that employees and workers operating throughout the supply chain are not discriminated because of their age, disability, gender reassignment, marriage/civil partnership, pregnancy or maternity, race religion or belief, sex, and sexual orientation, in hiring, compensation, training, promotion, termination or retirement either directly or indirectly.

1.13. Ability to deliver on equality issues, such as physical information and digital accessibility and inclusive practices, where this is relevant to the goods, services or works.

1.14. Comply with relevant contractual requirements.

- Membership of anti-slavery or labour rights initiatives (such as standards or certification bodies).
- Delivery of modern slavery training to staff and supply chain.
- Evidence of seeking opportunities to engage workers and/or survivors of modern slavery to mitigate risks and improve labour standards.
- Policies that include EDI considerations and objectives.
- Public reporting of Gender Pay Gap and diversity of workforce.
- Procedure to implement and monitor EDI objectives.
- System to collect and analyse employment data for a range of practices (such as recruitment and grievance).
- Knowledge of labour market and plans to achieve a diverse workforce.
- Delivery of EDI training.
- Evidence of seeking opportunities to work with diverse supply chains.
- Evidence of how customer/service-user needs are identified and responded to (as appropriate).

**2. Planet: *Manage environmental impacts***

2.1. Comply with and contribute to the objectives of our Environmentally Sustainable Procurement Policy, found on each of the Council websites.<sup>1</sup>

2.2. Comply with applicable national and international environmental legislation and regulations.

2.3. Comply with all environmental criteria built into contracts and specifications.

- Demonstrating alignment with the Orbis Environmentally Sustainable Procurement Policy and the environmental criteria built into tenders, contracts and specifications.
- Policies assuring compliance with environmental law and industry best practice.
- Publication of environmental and carbon emission targets (Carbon Reduction Plans for example).

<sup>1</sup> Surrey County Council: <https://www.surreycc.gov.uk/business/supplying-the-council/social-value-and-procurement/procurement-policy>

East Sussex County Council: <https://www.eastsussex.gov.uk/business/doing-business/rules-regulations-policies/orbis-environmentally-sustainable-procurement-policy>

Brighton & Hove City Council: <https://www.brighton-hove.gov.uk/business-and-trade/contracts-and-tenders/orbis-environmentally-sustainable-procurement-policy>

2.4. Work with us to provide sustainable and lower carbon alternatives where practicable.

2.5. Work to ensure a process is in place to assess the impacts of climate change within your organisation and reduce this impact.

2.6. Commit to continually improve the positive and reduce the negative impact of the procured goods services or works on the environment.

2.7. Adopt and promote the waste hierarchy and circular economy principles

2.8. Encourage and participate in environmental programmes with local groups, schools, and colleagues.

2.9. Encourage voluntary time dedicated to improving local green areas to increase biodiversity and keep green spaces clean.

2.10. Support the authorities with closing the green skills gap.

- Reporting to environmental initiatives (such as CDP (formally the Carbon Disclosure Project) or SBTi (Science Based Targets initiative).
- Membership to environmental groups or industry bodies with a focus on sustainability best practice.
- Use of environmental certifications (B Corporation or Red Tractor for example).
- Environmental management credentials and awards for environmental performance.
- Delivery of staff or supplier training (Carbon Literacy Training for example).
- An approach that demonstrates continuous innovation and improvement to managing environmental impacts.
- Evidence of how the above is implemented, communicated, and monitored.
- Plans and strategies that are being worked towards.
- Actively seeking and delivering opportunities to improve bio-diversity in the local area.

3. Public service: *deliver social value*

3.1. Familiarise themselves with the Councils' corporate plans and other relevant policies and strategies.

3.2. Understand the needs of the local area and the Councils' priorities and how these fit with their organisation's ethos and core service.

3.3. Collaborate and engage with the Councils and the service users to help shape the social value offering.

3.4. Ensure their social value offering meets the need of the community and is fully planned and resourced.

3.5. Demonstrably deliver on their social value commitments.

3.6. Work with the Orbis authorities to create a cycle of continuous

- Demonstrating alignment to relevant social value policies and corporate priorities.
- Attending and participating in market engagement and other events organised to create Social Value for the Councils.
- Sharing good practice and seeking to collaborate with other sectors/organisations to maximise both impact and opportunities of social value.
- Proactively demonstrating delivery of social value through reporting and submitting evidence of outcomes achieved.

improvement in the delivery of social value across the region.

- Engage with local businesses and social enterprises to support contract delivery.
- Sharing what worked and what didn't, to help the councils improve the delivery of social value for the region.